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THE PEACE NEGOTIATIONS OF 1782 AND 1783.

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An Address

DELIVERED BEFORE THE

NEW YORK HISTORICAL SOCIETY,

ON ITS

SEVENTY-NINTH ANNIVERSARY,

TUESDAY, NOVEMBER 27, 1883.

BY

JOHN JAY,

LATE AMERICAN MINISTER TO VIENNA.



NEW YORK:
PRINTED FOR THE SOCIETY.

1884.



THE PEACE NEGOTIATIONS OF 1782 AND 1783.

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An Address

DELIVERED BEFORE THE

NEW YORK HISTORICAL SOCIETY

With the Compliments of

JOHN FAY.



NEW YORK:
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1884.

FEB 19 1936



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CORRESPONDENCE.

NEW YORK HISTORICAL SOCIETY,
NEW YORK, February 6, 1883.

HON. JOHN JAY, 191 Second Avenue.

SIR:—We have the honor, in behalf of the New York Historical Society, to invite you to deliver the Address at the Celebration of the Seventy-ninth Anniversary of the Founding of the Society, on Tuesday evening, November 27, 1883.

The time at which this Anniversary will occur suggests, as a fitting subject for the occasion, the history of that important treaty by which Great Britain recognized the freedom and independence of the United States, a recognition alike unqualified and irrevocable, notwithstanding the efforts to make it otherwise, and subject it to the contingencies of the policy, influence, and authority of France.

The part which your honored ancestor had in all these transactions will give peculiar interest to the results of studies in which you have an hereditary interest; and we trust that you will not be reluctant to render this service to history in setting out the fair record of so great a son of New York in connection with so great an event. "The glory of children are their fathers," and New York desires to do honor to the best memories of her best men, in full sympathy with all the reverence of filial piety.

We have the honor to be,

Your obedient servants,

AUGUSTUS SCHELL, *President.*

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WILLIAM DOWD,

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JOHN TAYLOR JOHNSTON,

JACOB B. MOORE, *Secretary of the Executive Committee.*

NO. 191 SECOND AVENUE,
NEW YORK, February 14, 1883.

To the Honorable AUGUSTUS SCHELL, President ; Messrs. ANDREW WARNER, Recording Secretary ; ROYAL PHELPS, Chairman of the Executive Committee ; WILLIAM DOWD, JACOB D. VERMILYE, JOHN TAYLOR JOHNSTON, and JACOB B. MOORE, Secretary of the Executive Committee.

GENTLEMEN :—I have the honor to acknowledge your letter of February 6th, in which, on behalf of the New York Historical Society, you invite me to deliver the Address at the Celebration of the Seventy-ninth Anniversary of the Founding of the Society, on Tuesday evening, November 27, 1883.

You remark that the time at which this Anniversary will occur suggests as a fitting subject for the occasion the history of the important treaty of peace negotiated with Great Britain, notwithstanding the effort to subject it to the policy, influence, and authority of France. You allude to the part borne by my grandfather in that transaction, as having given an interest to my studies in that direction, and in terms of graceful courtesy you express your trust that I will not be reluctant to render the service which you ask.

Permit me to say that I very highly appreciate the honor of being asked to deliver the Anniversary Address, and still more the generous confidence with which you ask me to present before our honored and venerable Society "the fair record" of that negotiation, which as regards the sufficiency of the grounds on which the American Commissioners, under the lead of Jay, violated the instruction of Congress to undertake nothing in the negotiation without the knowledge or concurrence of the ministers of the King of France, and ultimately to govern themselves by their advice and opinion, has been for a century a subject of controversy.

Had no new light been thrown upon the subject, I might well have hesitated, even at your request, weighted alike with persuasion and authority, to undertake a task so delicate ; but, as you are aware, important historic material, bearing directly on the question, and which has not yet been collated, has been recently furnished, partly by our historic collections and in part by the governmental archives of England and the Continent. Among them is the report in the Thomson Papers in your collections for 1878, of the secret proceedings in the Continental Congress in July and August, 1782, on a motion to revoke the instructions to the Commissioners of Peace, which, it was admitted, had been a sacrifice of the national dignity to national policy, but which, it was contended, could not safely be revoked.

Then there is the interesting sketch of the peace negotiations from an English point of view, given by Lord Edmond Fitzmaurice in the

life of his grandfather, Lord Shelburne, with a note of the effort of M. de Rayneval, in his visit to that minister, to defeat the American claim to the fisheries, the Mississippi, and the Ohio.

Lastly, we have the volume of unedited documents from European archives, published at Paris in 1876, by the Count Adolphe de Circourt, containing confidential correspondence on the American claims to be recognized by treaty, between the Count de Vergennes and his diplomatic agents—the Count de Montmorin at Madrid, M. Gérard and the Count de la Luzerne at Philadelphia, and his secretary, M. de Rayneval, at London

These new disclosures, and especially the instructions of the Count de Vergennes to the French ministers in America, are of the highest authority, for they were gathered by our associate, Mr. Bancroft, and they definitely settle the questions of fact which have been raised as to the correctness of the views officially expressed by the American Commissioners in regard to the policy of France ; views that impelled them to break the instructions which would have made the French king “master of the terms of peace.”

It only remains to interweave this additional material with that which had been already gathered, to round and complete the story of the negotiation, and to end the speculations and controversies of the past by a simple presentation of the truth of history. The task will be rendered the more easy for me by the kind expressions of your letter, whose invitation to deliver the Anniversary Address, and whose suggestion of the subject I have the honor to accept.

With sincere thanks for your friendly courtesies,

I am, Gentlemen,

Faithfully yours,

JOHN JAY.

PROCEEDINGS.

At a meeting of the New York Historical Society, held at the Academy of Music, in this city, on Tuesday evening, November 27, 1883, to celebrate the Seventy-ninth Anniversary of the founding of the Society,

The President of the Society, Hon. Augustus Schell, on introducing Mr. Jay, remarked :

Our distinguished fellow-citizen, a member of this Society, the Hon. John Jay, has accepted the invitation of the Society to deliver the Address on this occasion.

Mr. Jay is a descendant of that eminent jurist and accomplished statesman, John Jay, who, with his distinguished associates, Franklin and Adams, as Commissioners on the part of the United States, negotiated the treaty with Great Britain which recognized the independence of America and established peace between the two countries.

The subject of the Address is "The Peace Negotiations of 1782 and 1783."

I have now the pleasure to introduce to you Mr. Jay.

Mr. Jay then delivered the Address on "The Peace Negotiations of 1782 and 1783."

Upon its conclusion, George H. Moore, LL.D., submitted, with remarks, the following resolution :

Resolved, That the thanks of the Society be presented to Mr. Jay for his eloquent and instructive discourse delivered this evening, and that he be requested to furnish a copy for publication.

The resolution was seconded by the Hon. William M. Evarts, with remarks.

The resolution was then adopted unanimously.

Extract from the minutes.

ANDREW WARNER,
Recording Secretary.

THE PEACE NEGOTIATIONS OF 1782 AND 1783.

MR. PRESIDENT, MEMBERS OF THE HISTORICAL SOCIETY,
LADIES AND GENTLEMEN:

WE are assembled on the seventy-ninth anniversary of THE NEW YORK HISTORICAL SOCIETY to commemorate the treaty of peace which a hundred years ago gave to our country its name and place among the powers of the world. That treaty marked the triumphant close of the Revolution, and invested the young Republic with boundaries and resources imperial in their extent; it is an event which, for Americans, is fraught with sacred memories of the past, with pride and thankfulness in the present, and with the highest incentives and hopes for the future.

Negotiated and signed in Paris, it fixed the destinies of America. It was received by our countrymen with thanksgivings and rejoicings, of which we were strikingly reminded yesterday, when the vast population of this metropolis, swelled by thousands of citizens and citizen-soldiers, by the President and the Cabinet from Washington, and by the Governors and representatives of the old thirteen States, joined in commemorating the final departure of the British flag; on the day when, as the silver-toned orator * at the unveiling of the statue of Washington on the spot where he was inaugurated so picturesquely described, Colonial and Provincial America had ended and National America had begun.

* The Honorable George William Curtis.

Take the famous diplomatic councils and congresses of modern times which rank as historic events; which have helped to shape the law of nations, to modify the map of the world, or to promote the advance of civilization and the happiness of mankind; take the peace of Westphalia, with its political and religious results, concluded after a session of some five years,* attended by representatives of most of the European powers, and ending the thirty years' war that had desolated so much of Europe. Look at other treaties of importance, the peace of Utrecht, the several treaties of Vienna arranging and rearranging, for a brief season, dynasties and boundary lines and petty sovereignties. Which one of them, in simple, permanent grandeur and far-extending results, compares with our part of the general peace negotiated at Paris in 1782 and '83, to which England, France, Spain, and Holland were parties, when the future of this continent was at stake, and when the treaty of peace ushered into power the American Republic, with a territory secured for Christianity and free civilization: and made it from its birth independent, not only of Great Britain, but of the world, and so far as human judgment could provide, not for a day but for all time?

While we are commemorating that treaty, the echoes have hardly ceased of the joyful thanksgivings which, in divers lands and tongues, have hailed the four hundredth anniversary of the birth of Luther, and we begin to hear the note of preparation for the approaching commemoration, in the Old World and in the New, of the four hundredth anniversary of the discovery of America. Looking not at religious differences, which were laid aside in our war of the Revolution, when Americans and Frenchmen, Protestants and Romanists, fought side by side, calling forth a cordial tribute from Washington to the patriotic part Roman Catholics had borne, and the important assistance we had received from France: but looking at the great political results of the Reformation as regards free government and popular institutions, there should be no discord between the thoughts awakened by the names of Luther and Columbus and those which are to-night aroused

* The Congress of Westphalia lasted from July, 1643, to October, 1648.

by the remembrance of the treaty of 1783. Both recall the founders of the thirteen colonies, representing the best and bravest blood in Europe, who came here to lay deep and strong in the world of Columbus the foundations of civil and religious liberty with the freedom of conscience and the right and duty of private judgment, the open Bible and the common school, that constitutional birthright of citizens of whatever creed which form the glory and the bulwark of the Republic whose birth we celebrate to-night.

Indeed, although the fact has been scarcely appreciated by the present generation—and it has been unappreciated simply because it was unknown—one of the most striking features of the American peace negotiation, that closely connects it with the subject of the great principles of the Reformation which lie at the basis of our own and all other free governments, is the fact that it directly involved the destiny of the great Valley of the Mississippi. It involved the question whether that vast and fertile region, and that great river which has been called the guardian and pledge of the American Union, should pass under the shadow of the rule which has darkened and enfeebled Spain and her colonies, or whether it should be included within the boundaries of our happier land, and enriched with the light and life of American institutions?

In alluding to the fate then impending of the Mississippi River, Mr. Bancroft says:*

“States larger than kingdoms flourish where he passes, and beneath his step cities start into being more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, . . . salubrious and wonderfully fertile, is the chosen muster-ground of the most various elements of human culture, brought together by men summoned from all the civilized nations of the earth, and joined in the bond of common citizenship by the strong invisible attraction of republican freedom.

“From the grandeur of destiny foretold by the possession

* Bancroft's History, x., p. 193. Lecky (iv., 277) speaks of this valley as “the great field in which the ultimate expansion of the English race might be anticipated.”

of that river and the land drained by its waters, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have excluded the United States totally and forever."

That attempt to exclude the United States from the great Valley of the Mississippi, planned and elaborated by the most noted diplomats of the French and Spanish Courts, was but a part of the larger scheme to exclude the Republic also from the great Northwestern territory beyond the Ohio, to deprive it of the New England fisheries, to restrict the extent and influence of the young Republic, and render it easily controllable by the powers of Europe. That was the scheme of which the instructions of Congress dictated by the French Minister formed so notable a part, and whose discovery and defeat by the American Commission has given a singular interest and importance to the negotiations at Paris.

The assembling at the French capital, in 1782, of the Peace Commissioners from Great Britain, the United States, and Spain, was a reminder to the world of the part which France had borne in the war for American independence, from the date of her treaty of alliance with the United States.* Made immediately after the surrender of Burgoyne, whatever the motives which inspired the policy on the part of France, the alliance was greeted in America with enthusiasm; and if the explanation given by the Court of France to that of London presented only interested reasons as having induced the move, that explanation was little noted by the Americans rejoicing in the accession of so great an ally, when on July 11, 1780, the French fleet of Admiral de Ternay, with the army of Rochambeau, arrived at Newport with over five thousand men, in regiments commanded by nobles of ancient and historic names, of Laval-Montmorenci, Saint Maime, Deux-Ponts, de Custine, d'Aboville, and de Lauzun, with general officers and aids like Vioménil, de Chastellux, de Fersen, de Dumas, de Noailles, and Montesquieu — never forget-

* February 6, 1778.

ting our early and faithful friend, the youthful and gallant Lafayette.

Their distinguished services, and those of the French fleet under Admiral the Count De Grasse, who sailed from Brest (March 22, 1781) with a convoy of one hundred and fifty ships,* form a brilliant chapter in our history, crowned by the decisive affair at Yorktown. The centennial commemoration of that event and the welcome given to our guests bearing the names of Rochambeau, Lafayette, and the other heroes of France whose fame is intertwined with that of Washington and his generals, showed the continuing warmth and freshness on the part of this generation of the feeling of gratitude and good-will with which Americans of the last century regarded the aid given them by the Court of Louis XVI. and Marie Antoinette, whose portraits, asked for by Congress and presented by the King, held an honorable place in the Congressional chamber of our Federal Hall. The tragedy of the French Revolution softens all thoughts of the unhappy sovereigns. We still read with sadness the apostrophe of Burke to the young Queen of France, as he had last seen her decorating and cheering the elevated sphere she had just begun to move in, glittering like the morning star full of life and splendor and joy. We recall her gracious words to the youthful Lafayette on his first return from America, "Tell us good news of our dear Republicans, of our beloved Americans," and we do not wonder that grave historians linger for a moment on the touching spectacle of the sovereigns of that brilliant Court espousing with gayety and enthusiasm the cause of freedom in the rising Republic of the West.†

Bancroft says that when they embarked for the liberation of America, pleasure on the prow and the uncertain hand of youth at the helm, they might have cried out to the young Republic which they fostered: "Morituri te salutant"—the doomed to die salute you.

But the thought is the sadder that, unlike the gladiators

* Yorktown Centennial Hand-Book, by John Austin Stevens, p. 11. New York, 1831.

† Lecky, iv., p. 53; Bancroft, x., p. 47.

who saluted Cæsar, Louis and his fair queen were smilingly unconscious of the impending terror and the final stroke.

Soulavie, the author of "Historical and Political Memoirs of the Reign of Louis XVI.," asserts that Congress voted a statue to the King at Philadelphia, and he gives a copy of the inscription it was to bear, which he says was received by him from Mr. Franklin.*

John Adams wrote in 1811: "The King was the best and sincerest friend we had in France."†

However unfriendly or disingenuous the policy of the French Court toward America in reference to the conditions of the peace, it was the policy of the Court and not of the people; and whether that policy was due to the weakness or the exigencies of the Court, the conditions of the Spanish alliance, dynastic influences or family compacts, the intent of that unfriendly policy was happily arrested; it worked no harm to the success and prosperity of the Republic; while the assistance which France gave us in the war had the most beneficial and permanent results, and justified the cordial sentiment which exists to-day between the two nations, and which Congress has fitly recognized by appropriating a site and providing for the care of the gigantic statue about to be

* The work of Soulavie, translated from the French, was published at London, 1802, in six volumes. The inscription, as given by M. Soulavie, is as follows:

"POST DEUM

Diligenda et servanda est libertas,

Maximis empta laboribus

Humanique sanguinis flumine irrigata

Per imminencia belli pericula

Juvante

Optimo Galliarum principe rege,

LUDOVICO XVI.

Hanc Statuam principi Augustissimo

Consecravit.

Et æternam pretiosamque beneficii.

Memoriam

Grata Reipublicæ veneratio

Ultimis tradit nepotibus."—P. 343.

† Adams' Works, I., p. 657.

presented to us for erection in the harbor of New York, representing Liberty enlightening the world.

THE HISTORIC QUESTION.

In view of the pre-eminent and permanent importance of the treaty of peace, our review of its negotiation may be preceded by a glance at the very curious rise and fall of the great historic question which has so long been agitated as to the position occupied by the Court of France: whether that Court really favored or secretly opposed our claims to the boundaries toward the south, the west, and the north, to the Mississippi and the fisheries.

Touching that question, when Jay first became convinced that France was opposed to us on the points most essential to the dignity and interest of America: the recognition of our independence in the Commission to Oswald, on the fisheries, the boundaries, and compensation to the loyalists; and that the instruction of Congress to be guided by the opinion of the French Court no longer applied to the situation, Franklin differed with Jay as to the correctness of his views and the propriety of his proposed action. When in pursuance of Jay's resolve to conduct the negotiation without consulting with the French Cabinet—a resolve which John Adams on his arrival thoroughly approved, and in which Franklin presently acquiesced—terms were obtained by the Provisional Articles so favorable that Vergennes expressed the astonishment of the Government of France, and Secretary Livingston the joy of the people of America, the latter nevertheless doubted the correctness of the ideas of the Commissioners in regard to France, and Congress debated the matter till the signing of a general peace.* Next, Washington and his Cabinet, in 1797, reviewed at length the entire subject in a masterly letter by Mr. Secretary Pickering in answer to a charge of ingratitude made by the French Minister Adet, and said:

“ We see then that in forming connection with us in 1788 the Court of France, the actual organ of the nation, had no

* Rives' Madison, i., 363. See also Appendix.

regard to the interests of the United States, but that their object was, by seizing the occasion of dismembering the British empire, to diminish the power of a formidable rival, and that when, after we had carried on a distressing war for seven years, the great object for which we had contended, independence, was within our reach, that Court endeavored to postpone the acknowledgment of it by Great Britain, and eventually to deprive us of its fairest fruits—a just extent of territory, the navigation of the Mississippi, and the fisheries.”

Mr. Pickering also quoted the instructions given to Mr. Genet when he was coming to the United States as Minister of the French Republic in 1793, which said: “The executive council has called for the instructions given to citizen Genet’s predecessor in America, and has seen in them with indignation, that at the very time the good people of America expressed their gratitude to us in the most feeling manner and gave us every proof of their friendship, Vergennes and Montmorin thought that it was right for France to hinder the United States from taking that political stability of which they were capable, because they would soon acquire a strength which it was probable they would be eager to abuse. . . . The same Machiavellian principle influenced the operations of the war for independence; the same duplicity reigned over the negotiations for peace.”*

Two editions of that letter, about fifteen hundred copies, were widely distributed in Europe,† and it placed the subject at rest until the year 1830, when Mr. Jared Sparks, in editing for the Government the diplomatic correspondence of the Revolution, introduced into the eighth volume the well-known note‡ in which he stated that he had “read in the French Office of Foreign Affairs the entire correspondence of the Count de Vergennes during the whole war with the French Ministers in this country, developing the policy and designs

* Pickering to Pinckney, communicated to Congress by Washington, by special message, January 19, 1797: *Am. State Papers*, i., pp. 559, 576.

† Gen. Pinckney to the Department, Hague, June 28, 1797: *Trescott’s Diplomatic History*, 180.

‡ *Diplomatic Correspondence of the American Revolution*, viii., pp. 208, 212.

of the French Court in regard to the war and the object to be obtained by the peace ;” and that after examining these and other papers with care and accuracy he was “ prepared to express his belief most fully that Mr. Jay was mistaken both in regard to the aims of the French Court and the plans pursued by them to gain their supposed ends.” . . . This note was followed by similar and perhaps yet stronger statements in his “ Life of Gouverneur Morris,” his “ Life of Franklin” * and in the *North American Review*.† In none of these is any reference made to the review of the matter by the Government of Washington, nor to the statement, in Marshall’s “ Life of Washington,” that Genet had exhibited to our Government official documents disclosing France’s opposition to our claims at the peace ; and the correctness of Sparks’ statement of the character of the Vergennes correspondence, as read by himself, was received by many as settling the question. Successive historians followed his lead. Among them have been Schlosser, the German author of a “ History of the Eighteenth Century ;” ‡ Mr. Parton in his “ Life of Franklin ;” § Mr. Rives in his “ Life of Madison ;” || Mr. George Ticknor Curtis in his recent paper on the “ Treaty of Peace and Independence ” in *Harper’s Magazine*,¶ and a recent writer in *Leslie’s Popular Magazine*.** The extent to which the history of the negotiation has been caricatured is shown in the last-named paper, where Jay and Adams are gravely arraigned for having interfered with the designs of France and Spain. The author says, “ John Jay’s persistent refusal to accede to the demands of Spain, aided and abetted by Adams, led to more delays ” (p. 259).

“ England and France,” adds the writer, “ were harmonious in nearly every respect, and finally matters were arranged through the strenuous efforts of Rayneval the French plenipotentiary, Franklin, and Count d’Aranda.”

As the articles were negotiated without the knowledge of

* Vol. iv., 34.

† For January, 1830, No. lxvi., p. 15.

‡ Vol. v., p. 297, of Davidson’s translation. London, 1845.

§ Vol. ii., 484.

|| Vol. i., 359.

¶ For April and May, 1883.

** For September, 1883. †

the agents of France and Spain, and secured for America the great territories, the Mississippi, and the fisheries, of which Rayneval and the Count d'Aranda would have deprived us, the statement is as luminous and exact as if the author had referred to the brilliant victory won by Burgoyne at Saratoga, or to the surrender of Washington's army and the French fleet to Lord Cornwallis at Yorktown.

Such being the confused position of the matter to-day, the Historical Society has done me great honor in asking me to address you on this subject, and on this occasion. It was a request enforced by weighty names, and the most graceful courtesy gave it the force of a command.* And yet I might have hesitated to assume the task, if I had not recently gathered, at home and abroad, newly discovered and conclusive evidence upon the points at issue, including much from the secret correspondence of Vergennes in the French archives, which has been partially published, and which seemed to be as yet little known or understood in this country.

THE QUESTION SETTLED BY CONCLUSIVE EVIDENCE. .

The evidence has come, happily, in the last decade of the century, to end, let us hope forever, the dispute which, after the calm, judicial review by Washington and his Cabinet,

* The letter of invitation, bearing the signature of the President of the Historical Society and other venerable and distinguished names, said :

"The time at which this anniversary will occur suggests a fitting subject for the occasion—the history of that important treaty by which Great Britain recognized the freedom and independence of the United States, a recognition alike unqualified and irrevocable, notwithstanding the efforts to make it otherwise, and subject it to the contingencies of the policy, influence, and authority of France.

"The part which your honored ancestor had in all these transactions will give peculiar value to the results of studies in which you have an hereditary interest, and we trust that you will not be reluctant to render this service to history in setting out the fair record of so great a son of New York in connection with so great an event. 'The glory of children are their fathers,' and New York desires to do honor to the best memories of her best men, in full sympathy with all the reverence of filial piety."

should never have been re-opened. Had that review, with its reference to official proofs in the French archives, been studied and verified, instead of accepting with haste and credulity personal suggestions and assurances from any person, however respectable, we should have been spared the travesties of the history of the peace negotiations which for half a century have misled the world.

In the peace negotiations was fought a diplomatic battle, on the result of which was to depend the fairest fruits of the seven years' war of the Revolution.

As in that war we were aided by France and Spain, anxious to secure the separation of the American colonies from England, to weaken the power and effect the humiliation of their ancient rival; so, in the negotiations for peace, when we were seeking to secure a vast extent of territory at the South, West, and North, with the Newfoundland fisheries, all essential to our national dignity, independence, and power, we stood alone. Our allies in the war had no further interest in our success. The situation had become changed. They had become our active and determined opponents. It was no longer America, France, and Spain against England, but it was England, France, and Spain against the young Republic, whose future greatness loomed unpleasantly upon the troubled vision of the Continental statesmen.

The position of Spain to those familiar with our own diplomatic records requires no explanation. She entered into the war with hesitation and reluctance, and only upon the agreement of France to assist her in enlarging her American possessions, and in restricting the limit of the young Republic whose future influence she feared and whose approaching independence she saw with grief. The devotion of Spain to her own interests as pictured by the Count de Vergennes, the diplomatic chief of her great ally, was conspicuous even among the grasping powers of Europe. "We never," he said, "lose sight of the fact that Spain will strive to set her own interests before everything else."

The Count de Montmorin, a year later, described the feeling of Spain toward American independence as one "of

indifference or even actual repugnance," and he refers to Spain's having brought the American delegates to the brink of bankruptcy for a matter of forty or fifty thousand dollars' worth of exchange, which had been accepted in consequence of some hopes having been held out.*

The aim of France in aiding the American colonies extended beyond the blow which their loss would be to the power and prestige of Great Britain. The instructions given to M. Gerard when he was sent to the United States as resident agent advised him that "the independence of Northern America, *and its permanent union with France*, have been the King's principal object."†

This distinct avowal goes far toward explaining the desire of the Court of France to confine the United States to narrow boundaries, to surround them with European powers, to deprive them of the fisheries which would constitute a nursery for seamen,‡ to exclude them from the navigation of the Mississippi, to prevent their extension at the North beyond the Ohio, to keep alive the jealousy of England, and "make it feel," in the words of Vergennes, "the need of sureties, allies, and protectors."§

The sources from which the proofs have come are now open to almost all the world, the principal proofs are already accessible.

In London I had the opportunity, through the courtesy of Lord Salisbury, and of our late lamented friend, Lord Tenterden, of the High Commission, of examining all papers relating to the treaty in the State Office, which, on special application, are generously opened to inspection, including

* Count de Vergennes to Count de Montmorin, January 22, 1781, III. de Circourt, 319; and Montmorin to Vergennes, Madrid, March 30, 1782, III. de Circourt, 327.

† Mémoire pour servir d'instruction au Sieur Gérard, Secrétaire du Conseil d'État, allant résider de la part du roi, auprès du Congrès général des États Unis, 29 Mars, 1778; III. de Circourt, Documents originaux inédits, p. 255.

‡ Lord St. Helens: Memoranda on Jay's Life, quoted in the New York Review, Vol. IX., pp. 306-7, cited in the text *supra*.

§ Le Comte de Vergennes au Comte de Montmorin, October 30, 1788, III. de Circourt, 310.

the minute and valuable letters of Mr. Oswald, of which there is now a copy among the Franklin papers in the State Department of Washington. I had collected also historic evidence, not yet reprinted here, afforded by secret and confidential correspondence from the French archives, of the Count de Vergennes with his skilful diplomatic agents, the Count de Montmorin at Madrid, M. Gerard and M. de la Luzerne at Philadelphia, and M. de Rayneval at London. These authentic documents while exhibiting the resolve of France which even the Court of Spain could not shake, to guarantee the actual independence of the United States of the English dominion (but not its acknowledgment by that power), a resolve which had been carried out faithfully and generously during the war, exhibits also with equal clearness her policy in connection with the Court of Spain, to which she was bound by the Bourbon family compact, as well as by the special alliance, to subject American interests to those of the Spanish colonial system ; to restrict our boundaries and our future power ; to shut us off from the Gulf, the Mississippi, and the Lakes ; to bound us on the north by the Ohio, and, in fact, to confine the new Republic to a narrow strip along the Atlantic, and to deprive us of the Newfoundland fisheries.

After the statement officially and repeatedly made by the late Dr. Sparks,* that nothing of this policy was to be found in the entire correspondence of the Count de Vergennes, during the whole war, with the French Ministers in this country, which he had read with care and accuracy, some doubt might perhaps be naturally felt as to the authenticity of the correspondence now brought to light, which sustains by accumulating proof the views expressed by Franklin, Adams, and Jay in their joint letters, and by Adams and Jay in their separate letters, in regard to the policy of the two courts. But the fact that the documents in question were gathered from the French archives by our learned associate Dr. George Bancroft, and that they were given by him to the Count de Circourt of the French Diplomatic Service, by whom they were printed at

* Dip. Cor., vol. vii., p. 208 et seq. Boston, 1830.

Paris,* divests them of doubt and entitles them to entire confidence. To Mr. Bancroft and the Count de Circourt all thanks are due for placing the correspondence of Vergennes before the world in a shape that the facts it discloses can never more be successfully misrepresented. Next in importance to these Paris documents is the evidence afforded by the papers of Lord Shelburne, whose life has been published by his grandson, Lord Edmond Fitzmaurice, now (1883) Assistant Secretary in the Foreign Office, of which his illustrious ancestor was the chief. The third volume contains a very valuable and interesting sketch of the negotiation from the British point of view. It is illustrated with maps, one of which (p. 294) shows the two northern frontier lines "as settled in October and November, 1782, respectively, by Mr. Oswald," and another (p. 170), a map of part of "North America, showing the boundaries of the United States, Canada, and the Spanish possessions, according to the proposals of the Court of France." This map shows at a glance what our boundaries would have been had the instructions of Congress been obeyed. The volume also discloses the part taken by Rayneval in his conference with Lord Shelburne and Lord Grantham against the American claims to the fisheries, the boundaries, and the Mississippi; and the effect upon Lord Shelburne of the almost simultaneous arrival of Vaughan, who had been dispatched by Jay, to counteract the opposition of Rayneval, and who brought back the new commission to Oswald, and the result of whose visit marks it as the turning-point of our success. Through the obliging courtesy of Mr. Bancroft I have also had the opportunity of examining in his library at Washington his very valuable MS. volumes entitled "America, France, and England."

The tenth volume of Bancroft's History contains many important extracts from the French documents, not contained in the volume of Circourt, and an interesting sketch of the

* The title of the work is *Histoire de l'Action commune de la France et de l'Amérique pour l'Indépendance des États-Unis*, par George Bancroft, etc. Traduit et annoté par le comte Adolphe de Circourt, etc. Tome troisième. Documents originaux inédits. Paris: F. Vieweg. 1876.

formation by Vergennes of the alliance with Spain, and of the concessions or pledge which to secure it he consented to make, in regard to the American claims, in agreeing to adopt and further the policy of Spain, which tended to limit our boundaries and restrain our power.

Mr. Bancroft, in the preface, remarks that the embarrassments of Vergennes, arising alike from his entanglements respecting Gibraltar and the urgency of his king for peace, "explain and justify the proceedings of the American Commission in signing preliminaries of peace in advance," and that "the requirement of the change in Oswald's commission, so grateful to the self-respect of America, is due exclusively to Jay."

Mr. Bancroft had not then seen the "Life of Lord Shelburne," by his grandson, Lord Edmond Fitzmaurice, with its disclosure of the efforts of Rayneval in his interview with Shelburne and Grantham to prejudice the American claims, and the complete success of the mission of Vaughan, who returned with the new commission to treat with the United States, leaving the British Ministry resolved upon a policy that should relieve America from dependence upon French and Spanish influence. When advised of this, Mr. Bancroft remarked that he would carefully review his statement on this subject for his revised edition.

It would be impossible within the limits of an address suited to this occasion to give more than an outline of the negotiation, leaving much to be supplied by notes and appendices. With your kind permission I will briefly recall its leading features, which are well known from the records of our own Commissioners, and you can then judge of the importance of the new evidence, showing that France and Spain were united against us on the fisheries, the boundaries, and the Mississippi, and exhibiting the difficulties and dangers of the negotiation, arising from their opposition and the instruction of Congress, and the singular skill with which these difficulties were not merely avoided, but made to contribute to our success.

THE POSITION IN ENGLAND.

The surrender of Cornwallis on November 25, 1781, which was received by Lord North with the exclamation "O God! all is over," created in England a conviction of the hopelessness of conquering America. Burke, Fox, and the younger Pitt assailed the Government; public meetings in London and Westminster strengthened the opposition; and after a series of debates in Parliament, Lord North, on March 20, 1782, anticipated his dismissal by announcing his resignation, and with North fell the Tory party and their system of government. The king, after a threat of abdication and a return to Hanover, reluctantly accepted as his Minister that respectable and honorable statesman Lord Rockingham, and it was said by Lord North that while the late opposition had often accused him of issuing lying *Gazettes* he had never issued any *Gazette* which was half so false as that in which his successors announced their installation to office, with the words "His Majesty has been pleased to appoint."*

The Cabinet of Rockingham was divided into two parts, of which Fox said one belonged to the king and the other to the public.

Fox as Secretary for the Foreign, and Shelburne for Home and Colonial Department, showed for each other personal dislike and political hostility, and this variance disturbed their efforts to inaugurate a negotiation for peace.

Shelburne sent, in April, Mr. Richard Oswald to confer with Franklin, who alone of the American Commission was at Paris. Fox sent Mr. Thomas Grenville to communicate with the Count de Vergennes, and a memorandum for Oswald (dated April 28, 1782) showed this significant instruction: "Insist in the strongest manner that, if America is independent, she must be so of the whole world. No secret, tacit, or ostensible connection with France."

On April 22d Franklin wrote to Jay, at Madrid: "Here you are greatly wanted, for messengers begin to come and

* Lecky's History of England in the Eighteenth Century, iv., p. 221. ¹

go, and there is much talk of a treaty proposed, but I can neither make nor agree to propositions of peace without the assistance of my colleagues. Mr. Adams, I am afraid, cannot just now leave Holland. Mr. Jefferson is not in Europe, and Mr. Laurens is a prisoner, though abroad upon parole. I wish, therefore, that you would render yourself here as soon as possible. You would be of infinite service. Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the meantime mind our own business. . . . I am ever, my dear friend, most affectionately yours, . . . ”*

On May 28th the Cabinet authorized Grenville to make certain propositions of peace to the belligerent powers. When the news of the great victory of Rodney had materially modified the situation, the Cabinet authorized Grenville to propose the independency of America in the first instance, instead of making it a condition of general treaty.

On June 4th Grenville wrote to Fox a letter, which showed that the jealousy and hostility of the two secretaries had extended to their agents in Paris. The fact that Shelburne had received from Franklin a confidential paper of importance to the negotiation of which he had not advised the Cabinet, was referred to by Fox as “this duplicity of conduct.” The unsatisfactory language of Vergennes had led them to think that he desired to postpone the negotiation, and “they imagined that peace might still be made separately with America, or at least that America might become so far neutral that the whole energies of England might be concentrated on her European enemies.”

On June 30th Fox, greatly displeased at this, moved in the Cabinet that the independence of America should be unconditionally acknowledged. The motion, if carried, would have placed the negotiation with America in the province of the Secretary for Foreign Affairs. It was lost by a majority of four. Fox at once announced to his colleagues that “his part was taken to quit his office,” but the next day Rocking-

* Jay's Life, ii., p. 4.

ham died ; * and Walpole remarked that, upon the death of Rockingham, the crown devolved upon the King of England.

Rockingham was succeeded by Shelburne, to whom the King the same day offered with the post the fullest political confidence.†

Fox, whose sympathies had been so strongly with the Americans that when, ten years later, he expressed to his nephew his joy at the defeat of the Duke of Brunswick by the French at the battle of Valmy, he said: "No public event, not excepting Saratoga and Yorktown, ever happened that gave me such delight,"‡—declined to remain in the Cabinet, taking the first step toward the restoration to power of Lord North and the Tories by what a late and much lamented English historian calls "the most unscrupulous coalition known in our history."§ His resignation was followed by those of Lord Cavendish, Lord Althorpe, and Mr. Montague, of the Treasury Board ; by Burke and Sheridan, the Duke of Portland, Fitzpatrick, and Solicitor-General Lee. The vacant offices were filled by William Pitt as Chancellor of the Exchequer ; Thomas Townsend in the Home and Colonial Department, with the lead in the House of Commons ; Lord Grantham, for many years minister at Madrid, whose long diplomatic experience was expected to prove of invaluable service ; Richmond and Conway in their old places ; Lord Camden as President of the Council ; Pepperarden, Solicitor-General. Of the eleven ministers who formed the Cabinet, three were Chathamist Whigs, the followers of Rockingham, Grantham of no political party, and the Chancellor representing the King.||

This was the Cabinet which, however unfortunate they may have been deemed when overthrown by a coalition which English historians condemn as infamous, have the great honor on the page of history of having solved the American

* Shelburne's Life, iii., p. 221. July 1, 1783.

† Ibid., p. 222, "The King to Shelburne," July 1, 1782.

‡ Lecky, iv., 335, note 1.

§ Green's History of England, p. 760.

|| Shelburne's Life, iii., p. 227, 8, 9.

question by a treaty which, at the end of a long and embittered civil war, laid the foundation of a permanent and cordial friendship between the two great English-speaking nations, on whose harmonious action depend in no small degree the progress of civilization and the peace and happiness of the world.

Surprise has sometimes been intimated or expressed by both English and American writers, that the negotiation should have been entrusted to a diplomat as inexperienced as Mr. Oswald, and one so little fitted to cope with men of the marked ability and training of Franklin, Adams, and Jay. But the interests of Great Britain were but measurably entrusted to Mr. Oswald, whose common sense, honesty, and good-will were admirably calculated to smoothe the path of negotiation, and whose intelligence and indefatigable industry kept Lord Shelburne and his associates advised of each varying phase of the negotiation, of everything said by the American Ministers, jointly or separately, as nearly as possible in their own words, and with a note, whenever they were significant, of their tone and manner. Mr. Oswald's personal suggestions as that the Americans could not be expected to make compensation to the loyalists, or that he was himself in favor of ceding Canada, carried little weight with the Cabinet at London, and every concession made to the American Commission, whether in the change of the Commission to the form prepared by Jay, or in the course of the negotiation when Oswald was alone, or when assisted by Fitzherbert and later also by Strachey before the Provincial Articles were adopted and signed, was made by Lord Shelburne and his accomplished secretaries, Thomas Townsend and Lord Grantham. And these eminent diplomats, supported by William Pitt, the Duke of Richmond, and the rest of the Shelburne Cabinet, were in the peace negotiations the able champions of the honor and interests of Great Britain, and the real antagonists whom the American Commission had to deal with and convince.

When Fox resigned, Grenville followed his example, although Shelburne wished him to remain, and Mr. Alleyne Fitzherbert, the English minister at Brussels, was appointed

in his place ; and Franklin intimated to Oswald that, until some acknowledgment was made and the treaty formally began, propositions and discussions seemed, on consideration, to be untimely.*

Jay, owing to unavoidable delays, did not arrive at Paris until June 23d. He waited that afternoon on Doctor Franklin at Passy, by whom he was cordially welcomed. On the 24th they went together to see Vergennes, who gave Jay "a very friendly reception," and on the 29th they both waited by appointment on the Count d'Aranda, who received them in a friendly manner, and expressed his wishes that close connection might be formed between our countries on terms agreeable to both. The Count returned their visit and invited them to dinner, but on the day named Jay was taken sick and continued so for many weeks, and he wrote in September that he was not yet perfectly recovered.†

His first impression of Paris was favorable. To the Count de Montmorin, the French Ambassador at Madrid, he wrote : ‡ "What I have seen of France pleases me exceedingly. Doctor Franklin has received some late noble proofs of the King's liberality in the liquidation of his accounts, and the terms and manner of paying the balance due on them. No people understand doing civil things so well as the French. The aids they have afforded us received additional value from the generous and gracious manner in which they were supplied, and that circumstance will have a proportionable degree of influence in cementing the connection formed between the two countries."

Of Vergennes, Jay wrote to Livingston : "His answer to the British minister appeared to me ably drawn. It breathes great moderation, and yet is so general as to leave room for such demands as circumstances at the time of the treaty may render convenient." Of Franklin he wrote : "I have endeavored to get lodgings as near to Doctor Franklin as I can.

* Shelburne (iii., p. 246) quoting Franklin to Oswald, July 12; Oswald to Shelburne, July 12, 1782.

† Jay to Livingston, *Dip. Cor.*, viii., p. 149.

‡ Jay to Montmorin, June 26, 1782, *Jay's Life*, ii., p. 100.

He is in perfect good health, and his mind appears more vigorous than that of any man of his age I have known. He certainly is a valuable minister and an agreeable companion." *

On July 9th Franklin communicated to Oswald the outline of the condition for a treaty, including an essential, complete independence, a settlement of the boundaries, a confinement of the boundaries of Canada, and a freedom of fishing on the banks of Newfoundland. Parliament rose on July 11th and Shelburne, in the words of his biographer, despatched to Paris Benjamin Vaughan, the political economist and intimate friend of Franklin, "to give private assurances to the latter that the change of administration brought with it no change of policy. †

THE FIRST COMMISSION TO OSWALD.

On July 27th Shelburne wrote to Oswald: "A commission will be immediately forwarded to you containing full power to treat, to conclude; with instructions . . . to make the independency of the Colonies the bases and preliminaries of the treaty now depending; you will find the ministry united, in full possession of the King's confidence, and strongly devoted to peace if it can be had on reasonable terms; if not, determined to have recourse to every means of arousing the kingdom to the most determined efforts." ‡

By the commission drawn by the Attorney-General, Oswald was empowered "to treat, consent, and conclude with any commissioner or commissioners named or to be named by the said Colonies or Plantations, and any body or bodies whatever, a peace or truce with the said Colonies or Plantations, or any of them, or any part or parts thereof." §

* Jay to Livingston, June 25th, *Dip. Cor.*, viii., pp. 114, 115.

† Shelburne's *Life*, iii., p. 243.

‡ Bancroft's *MSS.*, *America, France, and England, 1781-82*, vol. i.

§ By the instructions to Oswald given at the same time, he was told, "In case you find the American Commissioners are not at liberty to treat on any terms but that of independence, you are to declare to them that you have authority to make that concession."

He was directed "to claim, as a matter of absolute justice, all debts incurred to

Mr. Oswald, writing to his Government on August 7, 1782, said that the courier arrived with the commission the day before, and he had carried a copy of it to Dr. Franklin, at Passy. He added that Dr. Franklin, "after perusal, said he was glad it had come; that he had been at Versailles yesterday and Mons. de Vergennes had asked about it, and upon the Doctor telling him it had not come he said he could do nothing with Mr. Fitzherbert till it arrived, as both treaties must go on together, hand in hand. . . . I proposed calling on Mr. Jay, the only other Commissioner, in Paris. The Doctor said it was right and returned me the copy of the commission to be left with Mr. Jay, which he would bring back to the Doctor as he was to dine at Passy. I accordingly returned to Paris and called on Mr. Jay. He is a man of good sense, of frank, easy and polite manners. . . . After reading the commission he said he hoped some good would be done. I replied if I did not think so I would not be here. He said he was so informed by Dr. Franklin, and then began upon the Article of Independence, and continued the conversation in the manner as has been mentioned, in the coolest unreserved method and determined style of language that any common subject could be treated, and with a freedom of expression and disapprobation at home and abroad respecting America, as shows we have little to expect from him in the way of indulgence, and I may venture to say that although he has lived till now as an English subject, though he has never been in England, he may be supposed (by anything I could perceive) as much alienated from any particular

the subjects of Great Britain before 1775, and the interposition of Congress with the several provinces to procure an ample satisfaction upon this point; to demand the restitution of the confiscated property of the Loyalists or an indemnification; to claim New York, which was still in possession of the English troops, and the ungranted domains in each province as a possible means of obtaining this indemnification; to do everything in his power to prevent the United States entering into any binding connection with any other power; to propose an unreserved system of naturalization as the foundation of a future amicable connection; to act in perfect harmony with the envoy sent to negotiate with the European belligerents (Mr. Fitzherbert), and if necessary, to dispose the American Commissioners towards a separate negotiation." *

* *Shelburne's Life*, iii., p. 250.

regard for England as if he had never heard of it in his life. I sincerely trust I may be mistaken, but I think it proper to make the remark, as Mr. Jay is Dr. Franklin's only colleague, and being a much younger man and bred to the law, will of course have a great share of the business assigned to his care." *

Mr. Oswald's power was promptly communicated by Franklin and Jay, in conformity with their instructions, to the Count de Vergennes. The Count, in a note of August 8th, promised to examine it with the greatest attention, and to confer with them on the subject on the 10th. On that day the Count advised the American Commissioners, for reasons which Jay deemed singular and fallacious, that it would do : and the Count subsequently communicated that advice to Mr. Fitzherbert, the British Minister.

Franklin "believed the commission would do," but Jay was clear that it would not. He wrote to Livingston : " On returning, I could not forbear observing to Doctor Franklin that it was evident the Count did not wish to see our independence acknowledged by Britain until they had made all their use of us. It was easy for them to foresee difficulties in bringing Spain into a peace on moderate terms, and that if we once found ourselves standing on our own legs, our independency acknowledged and all our terms ready to be granted, we might not think it our duty to continue in the war for the attainment of Spanish objects. But on the contrary, as we were bound by treaty to continue the war till our independence should be attained, it was the interest of France to postpone that event until their own views and that of Spain could be gratified by a peace, and that I could not otherwise account for the Minister advising us to act in a manner inconsistent with our dignity, and for reasons which he himself had too much understanding not to see the fallacy of.

" The Doctor imputed this conduct to the moderation of the Minister and to his desire of removing every obstacle to speedy negotiations for peace. He observed that this Court had hitherto treated us very fairly, and that suspicions to their

* III. Bancroft's MS. volumes : America, France, and England, p. 25.

disadvantage should not be readily entertained. He also mentioned our instructions as further reasons for our acquiescence in the advice and opinions of the Minister." *

Jay wrote to Livingston when enclosing a copy of a translation of the intercepted letter of Marbois : †

"I am persuaded, and you shall know my reason for it, that this Court chooses to postpone an acknowledgment of our independence by Britain to the conclusion of a general peace, in order to keep us under their direction until not only their and our objects are attained, *but also until Spain shall be gratified in her demands* to exclude everybody from the Gulf, etc. . . . This Court as well as Spain will dispute our extension to the Mississippi. . . . I ought to add that Doctor Franklin does not see the conduct of this Court in the light I do, and that he believes they mean nothing in their procedure but what is friendly, fair, and honorable. Facts and future events must determine which of us is mistaken. . . . Let us be honest and grateful to France, but let us think for ourselves."

The justice of Jay's view that Vergennes foresaw difficulties in bringing Spain to a peace on moderate terms, and was unwilling that the United States should be released from their engagement to continue the war by an immediate acknowledgment of her independence, is confirmed by the interesting account given by Mr. Bancroft in the eighth chapter of his tenth volume of the negotiation between France and Spain, which resulted in the treaty of alliance signed on April 12, 1779.

On August 17th Oswald wrote that he had advised Franklin and Jay of the arrival of the Commission under the great seal, and he quoted Jay as saying :

"And upon the whole they would not treat at all until their independence was so acknowledged as that they should have an equal footing with us and might take rank as parties to an agreement. . . . He also hoped that a happy conciliation

* Dip. Cor., pp. 135, 136.

† Jay to Livingston, September 18, 1782, Dip. Cor., viii., p. 127. For the letter of Marbois to Vergennes, dated March 18, 1782, see Jay's Life, i., 490.

and friendship would be restored and perpetuated between the countries notwithstanding all that had happened, which he said would give him great pleasure.

“ But that if we neglected this opportunity and continued our hesitation on that head, we should then convince them of the justice of their suspicions of designs which he would not name, and should force them into measures which he supposed I had discernment enough to guess at without coming to further explanation. That he should be extremely sorry to see things run into that strain, and therefore as the method proposed was indispensable, he could not but seriously advise and recommend it. A good deal more this gentleman said to the same purpose, and without any appearance of excitement or disguise ; on the contrary he delivered his sentiments in a manner the most expressive of sincere and friendly interest in Great Britain.” *

Mr. Oswald recognized the reasonableness of the objection raised by Jay, and he recommended his Government, but without effect, to adopt a declaration of the independence of the colonies which Jay had prepared at his request and corrected with Dr. Franklin. Jay then suggested the issuing of a new Commission to treat with “ Commissioners vested with equal powers by and on the part of the United States of America.” In this Oswald concurred, and Jay prepared the draft of a joint letter to Oswald, in which it was among other points suggested, that the referring an acknowledgment of their independence to the first article of a treaty would imply that they were not to be considered in that light until after the conclusion of the treaty, and their acquiescing would be to admit the propriety of their being considered in another light during that interval.

“ I submitted this draft,” wrote Jay, “ to Doctor Franklin. He thought it rather too positive, and therefore rather imprudent, for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace after such a decided and peremptory refusal. Besides, the Doctor

* III. Bancroft MS. volumes : America, France, and England.

seemed to be much perplexed and fettered by our instructions to be guided by the advice of this Court. Neither of these considerations had weight with me ; for as to the first I could not conceive of any event which would render it proper, and therefore possible for America to treat in any other character than as an independent nation ; and as to the second, I could not believe that Congress intended we should follow any advice which might be repugnant to their dignity and interest." *

The draft of this letter was at his request given to Oswald, who approved of it, and wished to submit it to his Government. No satisfactory reply, however, came from London, and Jay attributed the ill success of Oswald's request for a new commission to the announcement by Fitzherbert that France held the first to be sufficient.

VAUGHAN SENT TO LONDON.

Three other incidents occurring in quick succession combined to induce, on the part of Jay, an extraordinary step, the sending of a special messenger to Lord Shelburne.

The first was a letter from M. de Rayneval, the confidential secretary of Vergennes, addressed to Jay as Minister to Spain, giving what he called his "personal ideas" about the manner of terminating his discussions with the Count d'Aranda † about boundaries. The memoir enclosed by Rayneval proposed as "a reasonable conciliation," a line excluding us from a vast territory, from which Jay drew the conclusions : ‡

1. That the French Court would at a peace oppose our extension to the Mississippi.

2. That they would oppose our claim to the free navigation of that river.

3. That they would probably support the British claim to all that country above the 31st degree of latitude, and certainly to all that country north of the Ohio.

* Dip. Cor., Jay to Livingston, viii., p. 146.

† Dip. Cor., viii., p. 156.

‡ Dip. Cor., viii., p. 160.

He was clear that the first and confidential secretary of the Count de Vergennes would not without his knowledge and consent declare such sentiments and offer such propositions, and that too in writing.

The second incident was the secret departure of Rayneval for England, of which Jay learned on September 9th, with an advice that it was pretended that he had gone to the country, and that several precautions had been taken to prevent his real destination from being known. In regard to the attempts to keep the visit a secret, Mr. Charles F. Adams alludes to his having travelled under an assumed name, and M. Rayneval himself, in his letter to Mr. Monroe,* after remarking that the object of the mission was to learn the truth of propositions of peace, said to have been made to Admiral de Grasse, distinctly says that it was decided that he should be sent secretly to England. Jay learned, also, that on the morning of Rayneval's departure, Count d'Aranda had gone to Versailles, and had an interview with Rayneval and Vergennes.

The third incident, which occurred on September 10th, was the receipt of a translation of the famous letter of Marbois, the French Secretary at Philadelphia, against our sharing in the fisheries.

The facts in reference to M. Rayneval led Jay to conjecture that M. Rayneval's visit to England was connected with the question of the American claims, and that he was intended, among other things, to let Lord Shelburne know that the demand of America to be treated by Britain as independent previous to a treaty were not approved or countenanced by the French Court; to sound Lord Shelburne on the subject of the fishery, and to discover whether Britain would agree to divide it with France, to the exclusion of all other nations; and to impress Lord Shelburne with the determination of Spain to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi, and also to limit the propriety of such a line as,

* Dated November 14, 1795, published in the Appendix D, vol. i., page 655, of Rives' Life of Madison. Boston, 1859.

on the one hand, would satisfy Spain, and on the other, leave to Great Britain all the country north of Ohio.

Having, after much consideration, become persuaded that such were M. Rayneval's objects, Jay mentioned his journey to Mr. Oswald with some degree of caution; but reflecting upon the importance of Lord Shelburne knowing the aroused sentiments and resolutions respecting that matter, he concluded that it would be prudent to send over Mr. Benjamin Vaughan, who was strongly attached to the American cause, and who had been confidentially employed by Lord Shelburne. Mr. Vaughan agreed to go, and in advance wrote to Lord Shelburne "desiring that he would delay taking any measures with M. Rayneval until he should either see or hear further from him."

The substance of the points which Mr. Vaughan was desired to communicate to Lord Shelburne is given in Jay's despatch to Livingston.*

Those relating to the acknowledgment of independence in advance, as had already been suggested to Oswald, could be arranged simply by authorizing the commissioner to treat of peace with commissioners with equal powers on the part of the United States of America.

The entire success of Mr. Vaughan's mission, as disclosed by the biographer of Lord Shelburne, gives new interest to the views set forth in the memorandum with which he was entrusted. On the point relating to the treaty with America, it was suggested that Britain by a peace, looked forward doubtless to other advantages than a mere cessation of hostilities—to cordiality, confidence, and commerce—and that the first step to making friends of those whom she could not subdue, was to treat with them on an equal footing, inspiring them with confidence, and showing that the charge of insincerity made by her enemies was groundless.

That any expectations grounded on the affected moderation of France would be fruitless, although they might produce delay, for America would never treat except on an equal footing.

* Dip. Cor., viii., pp. 165 et seq.

That a little reflection must convince Lord Shelburne that it was the interest, and consequently the policy, of France to postpone, if possible, the acknowledgment of our independence to the conclusion of a general peace, and by keeping it suspended until after the war, oblige the Americans by the terms of the treaty, and by regard to their safety, to continue in it to the end. That it hence appeared to be the obvious intent of Britain immediately to cut the cords which tied us to France, for that though we were determined faithfully to fulfil our treaty and engagement with this Court, yet it was a different thing to be guided by their or our construction of them.

That, among other things, we were bound not to make a separate peace or truce, and that the assurance of our independence was avowed to be the object of our treaty. While, therefore, Great Britain refused to yield this object, we were bound, as well as resolved, to go on with the war, although perhaps the greatest obstacles to a peace arose neither from the demands of France nor America; whereas, that object being conceded, we should be at liberty to make peace the moment that Great Britain should be ready to accede to the terms of France and America, without our being restrained by the demands of Spain, with whose views we had no concern.

The rest of the memorandum touched upon the fact that America would not conclude a peace without the fisheries, and that an attempt to exclude them would irritate America and tend to perpetuate her resentment. That our right to extend to the Mississippi was proven by our charter, and our right to its navigation was deducible from nature.

That the true object of an European commercial nation was to secure the profits of an extensive and lucrative commerce, and not the possession of vast tracts of wilderness. That to attempt to retain that country by extending Canada, would be to sow the seeds of future war in the very treaty of peace. And that it certainly could not be wise for Britain "to lay in it the foundation of such distrust and jealousies as on the one hand, would ever prevent confidence and real

friendship, and on the other, naturally lead us to strengthen our security by intimate and permanent alliances with other nations."

The last suggestion touched a subject on which the confidential correspondence of the British Cabinet shows them to have been extremely sensitive, and no consideration, perhaps, had more weight in determining the policy of acceding to our claims, to an extent that induced Vergennes to say that England had bought a peace rather than made one, than the conviction that the American Commissioners were thoroughly in earnest, and that the only way to secure our friendship and prevent other alliances was to grant our reasonable demands.

Mr. Vaughan set off on the evening of September 11th, and Jay wrote, "It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Doctor Franklin, but on conversing with him about M. Rayneval's journey; he did not concur with me in sentiment respecting the object of it, but appeared to me to have a great degree of confidence in this Court, and to be much embarrassed and constrained by our instructions." *

Doctor Franklin, however, agreed with Jay as to the propriety of writing a letter to the Count de Vergennes, on the question of the commission. The letter, which Trescott describes as "a masterly vindication of the position," was drawn by Jay, and was under revision by Franklin when the news of their success in England rendered it unnecessary.

JAY'S DECISION STOPS THE GENERAL NEGOTIATIONS.

Before quoting from the "Life of Shelburne" the account given by him of Rayneval's remarks on American matters, and the result of Vaughan's visit, it may be proper to revert to the effect which Jay's refusal to proceed under a commission which did not recognize the equal sovereignty of the United States, had upon the negotiation at Paris with the other powers.

When on August 6th, Oswald waited on Franklin with

* Dip. Cor., viii, p. 169.

the copy of the first commission, Franklin said, that the day before, at Versailles, Vergennes had said he could do nothing till its arrival, as both treaties must go on together hand in hand.

On August 18th, Oswald * wrote to Shelburne: "Your lordship will see that the American Commissioners will not move a step until the independence is acknowledged Until the Americans are contented Mr. Fitzherbert cannot proceed."

The same day Oswald, who was working in great intimacy with Fitzherbert, wrote to Secretary Townsend that the demand of the Commissioners must be complied with to avoid the worst consequences, either respecting them in particular or the object of the general pacification, "as to which nothing can be done until the American independence is settled."

On September 10th, Oswald wrote to Secretary Townsend, that he had seen Jay frequently, and had used every argument to get him over his objection to treating without a separate and absolute acknowledgment of their independence.

The correspondence shows that Jay's decision, not to treat except as an independent power, in stopping not only the American negotiation but the entire plan of pacification, had created great concern in England, and had given to the American Commissioners a position of control, which made them to some extent masters of the situation.

On September 1st, Townsend wrote to Oswald † that "His Majesty is pleased, for the salutary purpose of precluding all further delay and embarrassment of negotiation, to waive any stipulation by the treaty for debts accrued before the year 1775, and also further claims of the refugees for compensation for their losses. . . .

"But upon the whole, it is his Majesty's express command that you do exert your greatest address to the purpose

* Oswald's Minutes of Conversation with American Commissioners. Paris, August 7, 1782, S. P. O., France, p. 536. Bancroft MSS.

† Quoted in Shelburne's Life, iii., pp. 255, 256.

of prevailing upon the American Commissioners to proceed in the treaty and to admit the article of independence as a part, or as one only of the other articles which you are hereby empowered to conclude."

From this it would appear that the English Cabinet, while ready to grant independence as the first article of the treaty, and so anxious to proceed that they were willing to sacrifice the debts of their subjects and the claims of the refugees, still shrank from dealing with their former colonies as an independent power. When Vergennes proposed a truce in 1778, Adams declined, partly on the ground that "it was to play the part of an insurgent endeavoring to make terms with a superior power, instead of one sovereign contracting on equal footing with others." * Adams was in correspondence with Jay in regard to Oswald's first commission, which he equally disapproved, and he suggested the simple modification which Franklin and Jay approved, by which it should confer authority to treat with the Ministers of the United States of America.†

It would seem that the English Cabinet began to understand slowly, the policy of France in advising the American Commissioners to treat under the commission which described the United States as colonies. Secretary Grantham wrote to Fitzherbert, September 3, 1782, "I should see with much greater concern the several instances of disingenuousness which the French Minister has betrayed in treating with you, if I did not at the same time mark the acuteness with which you do not suffer them to escape you. . . . I have reason to believe that even the independency of America, however ultimately advantageous to France, would not, if accepted now by the Commissioners, be a means agreeable to her, as the band between them would thereby be loosened before the conclusion of a peace."

Fitzherbert replied on September 11th, "Your lordship was founded in your suspicion that the granting of indepen-

* Adams, i., 341.

† Ibid., 367, with references to vol. vii., 580, and vol. vii., 606.

dence to America as a previous measure is a point which the French have by no means at heart, and perhaps are not entirely averse from."

OSWALD, SPARKS, AND C. F. ADAMS ON RAYNEVAL'S
MISSION.

On September 11th, the same day that Vaughan left for England, Oswald wrote to Shelburne, that it was said that Vergennes was to send his secretary to London on some particular negotiation—it was thought in favor of Spain. "The Count," he added, "wishes to have the whole of the country from West Florida of a certain width quite up to Canada, so as to have such cession from England before a cession to the Colonies takes place. If that gentleman goes over there can be no difficulty in amusing him."

The suggestion does not appear to have been overlooked. After Rayneval's return to Paris, Fitzherbert wrote to Shelburne (October 13, 1782), "M. de Rayneval talks to me in raptures of your lordship's reception of him, both in regard to your personal marks of kindness and in regard to the great candour, frankness and liberality of your sentiments which he met with from you in your conversation upon business."

Recurring to the tone and object of M. Rayneval's conversation in London with the British Minister, Dr. Sparks, in his note to the Diplomatic Correspondence, quotes from Rayneval's instructions a passage to the effect that "as it is possible that the English Minister may speak to M. de Rayneval concerning the affairs of America and the United Provinces, he will declare that he has no authority to treat on those topics," and again, and this time with a grave error,* he

* Dr. Sparks, in his "Observations" on Mr. Jay's letter (Dip. Corresp., viii., 210), attempts to show that Rayneval's visit to London had nothing to do with the claims of the United States respecting the fisheries and boundaries, and quotes from Rayneval's letter from London to Vergennes, a passage purporting to be Rayneval's reply to a remark of Shelburne: "Without doubt the Americans will also form pretensions to the fisheries, but he trusted the King (of France) would not sustain them." Dr. Sparks says: "To which M. de Rayneval replied—that he was ignorant of the views of Congress concerning the object in question, but

quotes from a letter written by Rayneval himself, professing to state what he did say on American affairs; and Dr. Sparks then says that the above extracts, which might be combined by testimony from other sources, "show most clearly that Mr. Jay's suspicions were in reality erroneous, on whatever grounds he might at the time suppose them to rest. M. de Rayneval's visit had nothing to do with American affairs except to insist on unconditional independence."

Among later writers who have discussed this topic, no one has considered it with such breadth of view and careful discrimination as the Hon. Charles Francis Adams, whose diplo-thought he might venture to say that the King would never support unjust demands; that he was not able to judge whether those of the Americans were such or not; and that besides, *he was without authority in this respect.*"

The passage in italics is so emphasized in Dr. Sparks' note, but it does not appear in the original French as given by Circourt, iii., p. 46, where the passage is as follows: "Est venu enfin le tour de l'Amérique. Mylord Shelburne a prévu qu'ils auraient beaucoup de difficultés avec l'Amérique, tant par rapport aux limites que par rapport à la pêche de Terre-Neuve; mais il espère que le roi ne les soutiendra pas dans leur demande. J'ai répondu que je ne doutais pas de l'empressement du roi à faire ce qui dépendra de lui pour contenir les Américains dans les bornes de la justice et de la raison. Et Mylord ayant désiré savoir ce que je pensais de leur prétentions, j'ai répondu que j'ignorais celles relatives à la pêche, mais que telles qu'elles puissent être, il me semblait qu'il y avait un principe sûr à suivre sur cette matière, savoir: que la pêche en haute mer est *res nullius*, et que la pêche sur les côtes appartenait de droit aux propriétaires des côtes, à moins de dérogations fondées sur des conventions. Quant à l'étendue des limites, j'ai supposé que les Américains la prendraient dans leur chartes, c'es-tà-dire qu'ils voudront aller de l'océan à la mer du sud. Mylord Shelburne a traité les chartes de sottises, et la discussion n'a pas été plus loin parce que je n'ai voulu ni soutenir là prétention Américaine, ni l'anéantir; j'ai seulement dit que le ministère Anglais devait trouver dans les négociations de 1754, relative à l'Ohio, les limites que l'Angleterre, alors Souveraine de Treize États-Unis, croyait devoir leur assigner."

"The Canadian frontier," as Mr. Lecky remarks (vol. iv., p. 274), "had always been a matter of doubt," and M. Rayneval's own version of the manner in which he attempted to persuade England to adopt in treating with the United States, the boundary which she had attempted to assign to Canada in 1754, when Canada belonged to France, in opposition to the pretence that almost the whole course of the Ohio made a part of Louisiana, enables us to understand the argument on which he based the strong opinion which he expressed to Shelburne and Grantham against the claims of the Americans to the Valley of the Ohio. M. de Rayneval's memoir on the boundaries authorized by M. Vergennes throws light upon this subject as well as upon the pretences on which France sought to deprive us of the Valley of the Mississippi" (Dipl. Corresp., viii., pp. 156-160).

matic abilities and success, and whose wide experience and observation of European finesse under circumstances where the highest American interests were concerned, give to his conclusions on such a question an unusual weight of authority.

Mr. Adams, from a careful analysis of M. Rayneval's confidential letter to Vergennes, came to a conclusion directly opposite to that of Dr. Sparks, and said that: "Without uttering a single word that could be used to commit him or his government with America, M. de Rayneval had succeeded in making Lord Shelburne comprehend that France was not inclined to prolong the war by supporting America in unjust claims; what sense M. de Rayneval attached to the word unjust will appear as the negotiations proceed."

Mr. Adams in a note* remarks that a doubt may be permitted whether a national publication like the "*Diplomatic Correspondence*," is the right medium through which to disseminate arguments and inferences to sustain any peculiar views of the action of those times. Of the two extremes, he adds, "the course adopted by Mr. Force in the '*American Archives*,' of literally adhering even to obvious errors, seems the safest and most satisfactory."

I am informed by Mr. Bancroft that Mr. Edward Everett was of the same opinion on this subject, and Mr. John Quincy Adams intimates distinctly his own view when he speaks of "the *Diplomatic Correspondence* recently published by Congress and somewhat incorrectly edited by Mr. Sparks, I mean by the notes with which it is impoverished from the hand of the editor."†

Mr. Donne, the editor of "*George the Third's Letters to Lord North*,"‡ speaks of the golden rule, that an editor should regard himself as simply the servant of the author. If to this rule there may be exceptions, it seems at least preferable to one which allows an editor to constitute himself at once the accuser, prosecutor, witness, and judge, of governmental commissioners, whose correspondence he is appointed to publish, and to incorporate his individual views in the official

* Adams, i., 368.

† J. Q. Adams, to William Jay, August 18, 1882.

‡ Vol. ii., 450.

volumes in a way to deceive his readers by the boldness of his assertions, and induce them to accept his personal opinion as the verdict of impartial history.

THE PART TAKEN BY RAYNEVAL AGAINST AMERICA.

The biographers of Jay and Adams have both alluded to the possibility that the part actually taken by Rayneval might never become known. But a single paragraph in the "Life of Lord Shelburne" discloses the truth, and shows the opinion expressed by Rayneval on the American claims.

Lord Edmond Fitzmaurice, after giving a sketch of the interviews between Rayneval and Lord Shelburne, who was accompanied by Lord Grantham, a fact noticeable in view of Mr. C. F. Adams' suggestion that Lord Shelburne was believed for a time "to have kept the information of the visit secret from all his colleagues,"* makes this statement, which exactly confirms Jay's anticipations of the tone that Rayneval would assume on the American question, and which suggested the expediency as a counter-move of the sending of Mr. Vaughan :

"They then proceeded to speak about America. Here Rayneval played into the hands of the English ministers by expressing a strong opinion against the American claims to the Newfoundland fishery, and to the Valley of the Mississippi and the Ohio. These opinions were carefully noted by Shelburne and Grantham. The conversation then became general."†

Before proceeding to the effect of Vaughan's mission on the attempt of Rayneval which had been so correctly foreseen, to prejudice the American claims on the three points most important to the Republic, it may be proper to refer to M. Rayneval's attempt to explain away the part he played on that occasion. In a note to Mr. Monroe, written at Paris, November 14, 1795, and published by Mr. Rives in the "Life

* Adams' Works, i., 369.

† Shelburne's Life, iii., 263.

of Madison,"* he replied to a letter from that gentleman, dated October 30th. Mr. Monroe had referred to the fact that the American Commissioners had signed the Preliminary Articles, which were not to take effect until a peace was concluded between France and England, without the knowledge of the French Cabinet, and against the instructions they had received from Congress, and he had then said :

" When the motives of this proceeding was asked, I have often heard it said that France, showing indifference on several points of our claims against England then contended for by our Ministers, had even taken the part of that power against us, seeking to discard our claims relating to the fisheries, the boundaries, and the Mississippi; and that you had been sent to England for the purpose of deciding the Marquis of Lansdowne in his opposition to our demands on these points, which you accomplished in your personal interview with that minister; and finally, that if our negotiators succeeded in the points which I have named, they owed their success to the liberal policy of England, which in rejecting the counsels of France preferred to accede to what we asked."

M. de Rayneval in a rather long reply said that he had been sent secretly to England to learn the truth about the overtures to Admiral de Grasse.

" My instructions," he said, " were as simple as they were laconic. They asked that I should demand the admission or disavowal of the note communicated to M. de Grasse. The first article of the note concerned the independence of America. I have annexed an extract from the statement which I made on my return. . . . It was written at the end of September, 1782. You will find there the first fundamental article of my instructions, the independence of the United States, and that nothing was prescribed in relation to the other conditions to be made with the American Commissioners."

This, it may be remarked in passing, disposes of Dr. Sparks' suggestion that it is not improbable that the change in Oswald's commission was effected in consequence of M.

* Appendix D, vol. i., p. 655.

de Rayneval's representations.* The actual independence of the United States was always insisted on by Vergennes, even to Spain, who so persistently opposed it; and it was already known that England was ready to acknowledge it by the treaty; the demand of Jay, which Vergennes opposed, was that the independence should be acknowledged by the Commission in advance of the treaty; and even before the appearance of the secret French correspondence and of Lord Shelburne's *Life*, Mr. Charles Francis Adams, with an intelligence and judgment now confirmed by proof, had shown the groundlessness of Mr. Sparks' inference, and the probability that it was Mr. Vaughan's verbal communication held after his arrival in England which had turned the scale in favor of the concession.†

M. de Rayneval further said in his letter to Monroe, that he encouraged no conversation or discussion on the other American conditions, that when the English minister introduced the point he took refuge in his ignorance and his lack of instructions; and that in the opinions which he did express, he rather strengthened than weakened the demands of the American Commissioners.

M. de Rayneval, in his letter to Jay dated September 6th, with the memoir prepared by instruction from Vergennes, had contended that those demands were unfounded, and that they should consent to a line which would confine them to a narrow strip along the Atlantic, and he added to this note this postscript. "P.S.—As I shall be absent for some days, I pray you to address your answer to Mr. Stenin, Secretary to the Council of State at Versailles." "I must desire you," said Jay to Livingston, "not to let the perusal of the following memoir make you forget the postscript of the above letter, for in the sequel you will find it of some importance."‡

It proved, in aiding to bring about the mission of Mr. Vaughan, of even more importance than Jay anticipated. In his letter to Monroe, Rayneval says that Mr. Jay having been charged with a negotiation with the Count d'Aranda, the two negotiators had chosen him to bring them to-

* Dip. Cor., viii., 211.

† Adams' Works, i., 368.

‡ Dip. Cor., viii., 156.

gether (*pour les rapprocher*), that he had given his advice in writing, and that Mr. Jay had agreed with him as to its justice and solidity. Mr. Charles Francis Adams, in his discussion of the earlier treaty negotiations, referred to Vergennes' solemn declaration to Granville, in the presence of Franklin, who records it without a word of comment, that "France had never given the least encouragement to America until long after the breach was made and independence declared. There sat Mr. Franklin," added he, "who knows the fact and can contradict me if I do not speak the truth."*

Mr. Adams speaks plainly of the falsehood, and of the audacity of placing Doctor Franklin "under such difficult circumstances that even his silence was equivalent to an affirmation of the fraud" and remarks that the audacity of the falsehood is not exceeded even by the deliberate denial of the family compact made by the Count de Bussy to Lord Chat-ham which Flassan describes as a "*mensonge politique*." Mr. Adams did not admit that when the attempt to deceive exists, a lie changes its character by being called "a political lie."

In this case the known inexactness of M. de Rayneval's statements that Jay had requested his intervention in the negotiation with the Spanish Minister, and that Jay had approved of the solidity and justice of the views expressed in his memoir, shows, to say the least, a facile and convenient memory, which may explain also his declaration that, in what he said to Lord Shelburne, he "rather strengthened than weakened the demands of the American Commissioners."

Why should he have attempted to strengthen their demands in London when he had striven to reduce them at Paris, and why if such was his intention, did both Shelburne and Grantham regard him as playing into their hands by expressing a strong opinion, not only against the claims of the Americans to the Valley of the Mississippi, but against their claims to the fisheries and the Ohio? On his return to Paris,

* Adams, i., 307, 308, and note.

M. de Rayneval again urged upon Jay "the conciliatory line which he had proposed," * which was to restrict so largely our western frontier, in accord with the policy of Spain, and with Vergennes' agreement to maintain it.

THE EFFECT UPON THE BRITISH MINISTRY.

What might have been the effect upon the English policy toward America of the disclosure by Rayneval of the part which France was playing in regard to each of the American claims, had the American Commissioners shown themselves either incredulous or indifferent, and ready to obey their instructions, and to recognize the King of France as the master of the terms of peace, may be matter of speculation. What its actual effect was upon Shelburne and Grantham, when accompanied by the proofs afforded by the letters of Oswald and Vaughan, and now by the presence of the latter, that the disposition of France to restrict the boundaries of America, and subject her interests to those of Spain, was understood and resented, and would be firmly resisted on the part of the American Commission, is a matter of history.

The doubts which had so long vexed the English Cabinet and delayed the issuing of a new commission, were at once dismissed, and from that time their policy was marked by a confidence in the American Commissioners unknown before. The history of diplomacy has rarely taught a finer lesson of what intelligence, courage, and good faith can accomplish against the trained experience of those most accomplished in European intrigue and *finesse*.

It is to be remarked that both Franklin and Jay were kept well advised of the varying phases of English politics; they knew that the ministry were aware of the necessity of being prepared for the approaching Parliament, and were gradually becoming aware of the importance, could it be effected, of closing if possible the American question before concluding with France and Spain. The advantage of eliminating the American element from the general pacification seems to have

* Diplomatic Corresp., viii., 209.

been brought into prominence, however unconsciously, by Rayneval ; and Shelburne's view of Parliament may perhaps be gathered from his remarks to Fitzherbert a little later (October 21st). "It is our determination that it shall be either War or Peace before we meet the Parliament, for I need not tell you that we shall have there to meet many opinions and passions."

Of the effect of Vaughan's mission the biographer of Shelburne says : "Benjamin Vaughan had arrived almost simultaneously with Rayneval. It became clear to the Cabinet that a profound feud had sprung up between the Americans and their European allies, and that all they had to do was to avail themselves of it. They at once decided to accept the American proposition as to the terms of the commission to Oswald. Lord Ashburton gave it as his opinion that it came within the terms of the Enabling Act. The new commission was then made out at once and despatched to Paris by Vaughan." "Having said and done everything," Shelburne wrote to Oswald, "which has been desired,* there is nothing for me to trouble you with except to add that we have put the greatest confidence, I believe, ever placed in man, in the American Commissioners. It is now to be seen how far they or America are to be depended upon. I will not detain you with enumerating the difficulties which have occurred. There never was greater risk known ; I hope the public will be the gainer by it, else our heads must answer for it, and deservedly."

This tribute to the American Commissioners from the chief Minister of George the Third is the more remarkable that it was paid by Shelburne himself, amidst the prevailing system of diplomatic duplicity.

The simple, manly, straightforward conduct of the American Commission at Paris, having regard only to the dignity and rights of their country, and standing with quiet firmness on that basis, unmoved alike by solicitation or menace : indifferent to the complaint that the American stubbornness was blocking the general pacification, and calmly refusing

* Shelburne to Oswald, September 23, 1782 : *Shelburne's Life*, iii., pp. 267-68.

to treat with Great Britain excepting on a footing of equal sovereignty and independence, inspired the respect, regard, and confidence implied in those remarkable words: 'We have put the greatest confidence, I believe, ever placed in man, in the American Commissioners.'" That confidence settled the main question whether England should adopt the part so much desired by France and Spain in regard to the crippling of American power, or whether she should endow the rising nation with the territories and resources which her position demanded. However skilfully M. Rayneval may have played into their hands by expressing his strong opinion against the American claims to the fisheries and to the Valley of the Mississippi and the Ohio, the arguments of Jay and Franklin, repeated to Shelburne in the letters of Oswald and by Vaughan, as the special agent of the Americans, proved more real and effective, and, as Vaughan wrote nearly fifty years afterward, he was asked but a single question :

"L. (Lansdowne) only asked me, Is the new Commission necessary? and when I answered yes, it was instantly ordered, and I was desired to go back with it, which I did, carrying the messenger who had charge of it in my chaise. The grant of the Commission," he added, "showed how things stood, and I departed joyfully."*

Lord Edmund Fitzmaurice closes his chapter from which the account of Rayneval and Vaughan is taken with the remark :

"It remained to be seen whether the separation thus successfully accomplished of the two negotiations could be maintained, and what effect it would have on the tone of France and Spain." The wish for a "separate negotiation" with the United States seems to have been cherished by the British Cabinet for a long time, and a letter from Grenville to Fox suggests that Franklin had given color to the idea by his course in reference to his paper, which he gave to Oswald in April, 1782, suggesting the cession of Canada and

* Benjamin Vaughan to Peter Augustus Jay, January 14, 1830. MS. letter in the possession of Miss E. C. Jay, of New York.

also reparation to the Tories, of which Franklin says in his diary that, in giving to Mr. Adams a narrative of what had transpired, he omitted all notice to this paper, and "the reason," he added, "of my omitting it was that on reflection I was not pleased at my having hinted a reparation to Tories for their forfeited estates, and I was a little ashamed of my weakness in permitting this paper to go out of my hands." *

Grenville had said to Fox: "This paper under the title of 'Notes of a Conversation,' contained an idea of Canada being spontaneously ceded by England to the Thirteen Provinces in order that Congress might sell the unappropriated lands, and make a fund thereby in order to compensate the damages done by the English army, and even that too sustained by the Loyalists; this paper, given with many precautions for fear of its being known to the French Court, to whom it was supposed not to be agreeable, Mr. Oswald showed to Lord Shelburne, who after keeping it a day, as Mr. Oswald supposed to show it to the King, returned it to him, and it was by him brought back to Franklin. I say nothing to the proposition itself, to the impolicy of bringing a strange neighborhood to the Newfoundland fisheries, or to the little reason that England would naturally see in having lost thirteen provinces, to give away a fourteenth; but I mention it to show an early trace of separate negotiation which perhaps you did not know before." †

The secret correspondence of Vergennes affords ample proof of the correctness of Doctor Franklin's supposition, that the cession of Canada to the United States would not be agreeable to the French Court. To Montmorin, Vergennes suggested ‡ that it was "important that the English should remain masters of Canada and Nova Scotia; they will keep alive the jealousy of this nation, which might otherwise turn somewhere else, and will make it feel the need of sureties, allies, and protectors."

* Life of Franklin, ii., 460. See the paper also as taken from the Lansdowne MSS. in Shelburne, iii., 180-182.

† Lecky, iv., 250, June 4, 1782.

‡ Circourt, iii., 311, October 30, 1778.

Again, on November 2, 1778,* Vergennes wrote to Montmorin :

" But you may assure him (the minister of the King of Spain) that it is not on our part he will meet with difficulties with regard to the reservation and guaranteeing of Canada and Nova Scotia to England."

The proposal of Doctor Franklin for the cession of Canada, which Oswald seems to have regarded with some approval, found no favor with the British Cabinet ; but the suggestion of compensation to the Tories, and what they thought a trace of separate negotiation, were not readily forgotten. A notable incident of Franklin's proposal was the injunction that it should be kept secret even from France, an injunction in violation of the instructions of Congress ; and it may be remembered that it was the accidental disclosure of the secret by Oswald to Grenville which intensified the quarrel between Shelburne and Fox, who was about resigning his position in the Cabinet when it was dissolved by the death of Rockingham.

Another noticeable point in connection with Vaughan's visit is alluded to by Mr. C. F. Adams,† where he says of the Marbois letter :

" The object of its disclosure on the part of England was to make Mr. Jay willing to surrender his objection to immediate negotiation on the terms of Oswald's commission. Its effect was directly the reverse of this, for Mr. Jay made it the basis of the strongest representations, communicated through Mr. Vaughan to Lord Shelburne, to secure the modification which was required. It was this last view, reinforced by the written representations made before and the verbal communication held after Mr. Vaughan's arrival in England, which probably turned the scale in favor of the concession."

Nor is it to be forgotten, in considering broadly the situation of England when she suddenly adopted a more friendly policy toward America, that she was at the time without an ally in Europe, and that if the attempt for a general pacification should fail, she would have to continue the war at no slight disadvantage.

* Circourt, iii., p. 311.

† Adams, i., 368.

ARRIVAL OF THE NEW COMMISSION.

On the 24th September Townsend wrote to Oswald: "I now send you the commission, which has met with no delay more than was absolutely necessary for the forms through which it would pass. I hope the frankness with which we deal will meet with a suitable return." *

"On the 27th of September," wrote Jay to Livingston, "Mr. Vaughan returned here from England with the courier that brought Mr. Oswald's new commission, and very happy were we to see it." And he added an assurance that "Mr. Vaughan greatly merits our acknowledgments." †

It was on September 24th that Jay was informed of the intention of the British court to give Mr. Oswald such a new commission as had been recommended, and on September 26th Jay visited the Count de Vergennes at Versailles, and met there Lafayette and the Ambassador of Spain. The latter desired to enter upon the negotiation of a treaty with Spain, and wished Jay to accept the assurance of the Count de Florida Blanca that he was authorized to treat, and not to insist upon an exchange of powers, for the reason that Spain had not yet recognized the independence of the United States. Jay replied, that they had declared their independence; that France, Holland, and Britain had acknowledged it; and Lafayette made a remark with which the Spanish Ambassador was little pleased—that it would not be consistent with the dignity of France for her ally to treat otherwise than as independent. The Ambassador observed that Spain did not deny our independence, and he could perceive no other reason for Jay's declining to confer with the Ambassador about a treaty without saying anything about our independence, an acknowledgment of which would naturally be the effect of the treaty proposed to be formed. "I told the Count," wrote Jay, "that being independent we should always insist on being treated as such, and therefore it was not sufficient for Spain to forbear denying our independence,

* Townsend to Oswald, Whitehall, September 24, 1782.

† Dip. Corres., viii., 201.

while she declined to admit it; and that notwithstanding my respect for her Ambassador and my desire of a treaty with Spain, both the terms of my commission and the dignity of America forbade my treating on any other than *an equal footing*.”*

The Count Vergennes carried the Ambassador to his Cabinet, and when he retired explained to Jay the reason of sending Rayneval to England, to learn if Shelburne were really inclined to peace, which he believed to be the case, and observed in reference to the new commission that, as it removed their former objection, they might now go on to prepare the preliminaries, and he recommended, as regarded Spain, that they should endeavor to approach and meet each other.

From the Count Jay went to see Rayneval, who gave the same reason for his journey, and talked of his memoir, saying much in favor of the conciliatory line he had proposed, which would have greatly reduced the lands toward the Mississippi. When Jay repeated to him a remark which he had just made to Vergennes about the recent date of the Spanish claims, Rayneval imputed their former ideas to their ignorance, making it evident to Jay that their present ideas had been suggested to them by the French Court, and affording additional proof that that Court was actively opposed to the American claims, treating them as ill-founded and unjust.†

On the arrival of the new commission empowering Oswald to “treat of, consult, and conclude with any commissioners, or persons by and on the part of the Thirteen United States of America,” the American Commissioners, recognized at last as the representatives of an independent power, proceeded to business.

The result thus accomplished by a disregard of the instruction of Congress suggested and urged by the French Minister, that the Commission should be governed by the advice of France, recalls the fact that by the instructions

* Dip. Corres., viii., 202.

† See Mr. Chas. Francis Adams' remarks on Rayneval's views, Adams, i., 373.

resolved upon by Congress (August 14, 1779), the American Minister was to make it "a preliminary article to any negotiation, that Great Britain shall agree to treat with the United States as free, sovereign, and independent States." *

On October 5th, after a slight delay caused by the illness of Franklin, Jay handed to Oswald the plan of a treaty, which included the clauses relating to independence, the boundaries, and the fisheries. The boundaries were accepted by Oswald, with an amendment proposed by Franklin for the settlement of the Massachusetts boundary by a commission, and Oswald explained to Townsend that the draft so favorable to the Americans, was drawn avowedly with the object of laying the foundation of future good-will, and leaving as few causes of future differences as possible between the two nations. The map which accompanied the draft treaty is stated by Lord Edmond Fitzmaurice to be the same which was afterward found among the Jay papers, and which now belongs to the New York Historical Society.

The next day, October 6th, Vergennes handed to Fitzherbert two memorials containing the demands of France and Spain, whose business had waited until the Americans were satisfied with Oswald's commission. On the 8th, Oswald wrote to the Secretary of State: "Mr. Jay said to me last night, once we have signed this treaty we shall have no more to do but to look on and see what people are about here. They will not like to find we are so far advanced, and have for some time appeared anxious and inquisitive as to our plans of settlement, upon which subject I was lately tried by a certain marquis; but I gave him no satisfaction, and wish that for some time as little may be said about it as possible." †

THE SENDING OF MR. STRACHEY.

Oswald received no opinion from his Court on the Articles until October 23d, when he was told that the extent of the boundaries and the situation of the Tories raised some objec-

* Secret Journal, Debates, ii., 137-236.

† From Oswald's letter in the Bancroft collection.

tions, and that the Minister's secretary was coming to confer with them.

The object of this move, as Lord Edmond Fitzmaurice shows in the life of Shelburne, was to gain, if possible, a modification of the American demands in favor of the English creditors and loyalists—points to which Shelburne attached a larger importance than some of his colleagues—and as Oswald had acted in conformity with the express direction of the Cabinet, they proposed to send an additional negotiator to assist him.

The great victory of Rodney over the French in the West Indies in April, 1782, had been followed in September by the memorable defeat of the French and Spanish forces gathered for the capture of Gibraltar, and the burning of the fleet of battering ships.

This victory stiffened the British Cabinet in opposition to the demands of France and Spain; but realizing that the United States would in no case continue the war for purely Spanish objects, they resolved to attempt a modification of the American demands as well in regard to the northeastern boundary as in favor of the English creditors and the loyalists, on which Oswald had yielded.

Oswald had already been assisted by Mr. Fitzherbert, who had been sent to Paris from Brussels, and of whom Mr. Secretary Townsend had written to Oswald * (July 26, 1782): "I have great pleasure in recommending him to your confidence, as he is a person of whose talents and discretion I have the highest opinion, founded on a long acquaintance." And the royal instructions to Mr. Oswald, dated July 31, 1782, said: "Our will and pleasure is that you preserve the most constant and intimate communication from time to time with the said colleague Fitzherbert."

It was resolved to send a new negotiator to their aid, and Lord Shelburne selected for this purpose Mr. Henry Strachey, who had been the secretary of Clive, and of Lord Howe's Commission when it met at Staten Island, where

* MS. in English Record Office—volume, "France. Mr. Walpole, Mr. Oswald, Mr. Fitzherbert, and Mr. Grenville, January to December, 1782. No. 557."

Franklin and Adams went for a conference. Strachey had served also as Secretary of the Treasury under Lord Rockingham, and then as Under-Secretary in Townsend's department, where, Lord Edmond Fitzmaurice. says, "he was known as a man of great discretion, accuracy, and learning." *

The English Cabinet had begun to realize the difficulty, if not the impossibility, of obtaining what they thought concerned the honor of England—restitution and compensation for the royalist refugees—and Mr. Strachey left with "instructions to urge the claims of England, under the Proclamation of 1763, to the lands between the Mississippi and the western boundary of the States, and to bring forward the French boundary of Canada. . . . He was to urge their claims and the right of the King to the ungranted domain, not indeed for their own sake but in order to gain some compensation for the refugees."

"I trust and hope," wrote Shelburne to Oswald, announcing the departure of Strachey, "you are well founded in your judgment of the American Commissioners now at Paris. I am disposed to expect everything from Dr. Franklin's comprehensive understanding and character; and as I know nothing to the contrary, I am open to every good impression you give us of Mr. Jay." †

After referring to the refugees and the debts, Shelburne added:

"But I beg to recommend the question of policy to your most serious reflection. If we are to look to regain the affection of America, to reunion in any shape, or even to commerce and friendship, is it not of the last degree of consequence to retain every means possible to gratify America at a future, I hope not very distant, day?"

RAYNEVAL'S RENEWED OBJECTIONS.

October 24th Jay dined with Doctor Franklin at Passy, meeting M. de Rayneval, who desired to know the state of the negotiations with Oswald, and was told that some ques-

* Shelburne's Life, iii., 281.

† Shelburne to Oswald, October 21, 1782: Shelburne's Life, iii., 283.

tions had arisen about the boundaries, and that a secretary was coming with books and papers. On asking and being told what boundaries we claimed, he argued that the claim was ill-founded, and objected also to our claim to the fisheries. On Doctor Franklin's explaining their great importance to the Eastern States, he softened his manner and observed, "that it was natural for France to wish better to us than to England; but as the fisheries were a great nursery for seamen, we might suppose that England would be disinclined to admit others to share in it."

This remark recalls one made by Lord St. Helens (the Mr. Fitzherbert of the negotiation), in memoranda on Jay's life addressed to Sir George Rose in 1838.* After referring to the British official discussions with France touching the French fisheries, Lord St. Helens added: "But in the course of these discussions M. de Vergennes never failed to insist on the expediency of a concert of measures between France and England for the purpose of excluding the American States from the fisheries, lest they should become a nursery for seamen."

THE ARRIVAL OF MR. ADAMS—UNANIMOUS ACTION OF THE COMMISSION.

Saturday, October 25th, was an eventful day in the history of the negotiation, as Mr. Adams arrived from Holland, bringing to the work of the Commission his experience and ability, energy, and courage. "He had studied," says Trescott, "profoundly and philosophically the capacities of the country he represented, and had an enthusiastic conviction not only of its future power, but of the influence which it might exert in the present condition of political affairs." He came from the Hague, where he had negotiated a treaty with the Netherlands.

He had been originally appointed the sole Commissioner to negotiate a peace, and when his habit of independent

* Quoted in the *New York Review*, ix., pp. 306, 307. From a copy furnished to the author, the late Dr. John McVickar, of Columbia College, by the Hon. William Jay. See also *Flanders' Chief Justices*, i., 343.

thought and action dissatisfied the French Minister, and Congress had consented to add in succession Jay, Franklin, Laurens, and Jefferson, he wrote to a friend who thought it might be disagreeable: "It is more honorable than before and much more easy. . . . The measure is right. It is more respectful to the powers of Europe concerned and more likely to give satisfaction in America." *

On Monday, October 28th, Jay says in his diary, "Mr. Adams was with us three hours this morning. I mentioned to him the progress and present state of the negotiation with Britain, my conjectures of the views of France and Spain, and the part which it appeared to me advisable for us to act; he concurred with me in sentiment on all these points."

After the preliminary articles had been signed, Adams wrote of this interview with Jay: "Nothing that has happened since the beginning of the controversy in 1761, has ever struck me more forcibly, or affected me more intimately than that entire coincidence of principles and opinions between him and me."

October 29th Oswald wrote to Shelburne: "Mr. Strachey arrived here yesterday. Introduced Strachey to Jay, and was joined by Adams, who is come from Holland. . . . We then went out to Doctor Franklin's. . . . To-morrow at eleven o'clock the three Commissioners have agreed to meet at my quarters to examine maps and papers, and thereafter are to dine together at Mr. Jay's. We are now at night again employed in that way so as to be the better prepared for them, at least as well as can be done from material of such indefinite instructions."

Three days later Adams spent the evening with Doctor Franklin at Passy.

"I told him," writes Adams, "without reserve my opinion of the policy of this Court, and of the principles, wisdom, and firmness with which Mr. Jay had conducted the negotiation in his sickness and my absence, and that I was determined to support Mr. Jay to the utmost of my power in the

* Adams, i, 342.

pursuit of the same system. The Doctor heard me patiently but said nothing.

"The first conference we had afterwards with Mr. Oswald, in considering one point and another, Doctor Franklin turned to Mr. Jay and said, 'I am of your opinion, and will go on with these gentlemen in the business without consulting this Court.' He has accordingly met us in most of our conferences, and has gone on with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and his reputation, in the whole negotiation." *

Mr. Adams, who in his absence had assisted by his suggestions in securing the second commission, thus signalized his arrival by removing the objections of Doctor Franklin, and securing the united action of the Commission in setting aside the instruction of Congress that the Commission should be governed by the opinions of France.

Mr. Jay's elaborate despatch,† bringing the history of the negotiations to the arrival of Mr. Adams, closed with a careful review of the situation, and especially of the policy of the French Court, which is confirmed by their secret correspondence.

"They are interested," he said, "in separating us from Great Britain, and on that point we may, I believe, depend upon them; but it is not their interest that we should become a great and formidable people, and therefore they will not help us to become so."

Mr. Adams, in his valuable diary, has recorded interesting particulars of the later negotiations, and now the letters of Mr. Oswald and Mr. Strachey, and the valuable sketch of the negotiation given by the biographer of Lord Shelburne, advise us as thoroughly of the views and impressions, the hopes and fears of the English negotiators, as the confidential correspondence of M. de Vergennes, and his agents, of the wishes and schemings of the French court to accomplish the policy of Spain at the cost of the Republic. Strachey wrote to Townsend on November 29th: "It appears as if we shall be able to gain something." On October 30th and the three

* Adams, iii., 336.

† Dip. Corresp., viii., 129, 218.

following days formal interviews were held, and Oswald wrote to Townsend on November 5th :

“ On all the material points in question he (Strachey) has from day to day taken up the subject apart, and has enforced our pretensions by every argument that reason, justice or humanity could suggest, and even sometimes to the point of almost exciting those insinuations of menace which I had been so long accustomed to, as reported by me on several occasions, and to which we have nothing to oppose of reservation on our part, but an alternative which we did not think advisable on the present occasion to offer directly to their consideration and option.”

The American Commissioners, guarding their great interests in the boundaries and the fisheries, made some minor concessions, Adams and Jay overruling the objection of Franklin to the recovery of debts contracted before the war; accepting for the drying of fish the unsettled coast of Nova Scotia in place of Newfoundland, and giving the British the choice of two lines on the Northeastern boundary.* On November 6th and 9th Oswald wrote to Townsend : “ Mr. Jay said he hoped we would not let this opportunity slip, but resolve speedily to wind up the long dispute so as we might be again as one people.

“ That they had hitherto acted in the negotiation under instructions of the year 1779, when their affairs were not in quite so good a situation as at present, and had gone to the full stretch of them and farther.

“ But if we broke up now we might be assured of their receiving new instructions, and of a very different kind from the present ; in which, among other things, he made no doubt they would be directed to state all the depredation, plunder, and unnecessary destruction of property over all their country as charged against the British demands of *bona fide* creditors. . . . That with respect to the British debts, he had conjointly with his colleague at all times declared that all that were contracted before the war must be duly paid ; yet if the States by our refusal of accommodation should be con-

* A copy of the map with these lines is given in *Shelburne's Life*, iii., 294.

corrections of this sort made by Mr. Jay, Mr. Oswald adds : "I would also beg leave to add that from this gentleman's precision and attention to the identity of these copies in comparison with the original draft, I would advise that there should not be the least alteration, not a single word different from that draft.

" . . . I did not expect to find Mr. Jay so uncommonly stiff about the matter."

. The difficulties of Lord Shelburne with his Cabinet from the firmness of the American negotiators on the question of the loyalists, were enhanced by the doubts and fears of the King, who, as the moment approached when the ties between the Colonies and England were about to be formally severed, grew more and more restive,* and wrote to Shelburne of his "most frequent prayers to heaven to guide me so to act, that posterity may not lay the downfall of this once respectable empire at my door; and that if ruin should attend the measures that may be adopted, I may not long survive them." Shelburne's associates in the Cabinet, Richmond and Keppel, were very bitter against Oswald, whom they declared was only an additional American negotiator. They proposed to recall him. But this Shelburne and Townsend refused to do, as they especially desired that Oswald should be in Paris to negotiate a commercial treaty when the necessary acts of Parliament had been passed. The main question was what they would do in regard to the loyalists, who the public voice demanded in unmistakable terms should not be abandoned: and on the other hand, says Lord Edmond Fitzmaurice,† "there was the risk that persistence might throw the Americans back into the arms of the French." Shelburne inclined to the bolder course, notwithstanding the persuasions of Vaughan, who came again from Paris, and Strachey was instructed to return and make one more effort.

In the meanwhile Oswald wrote to Townsend, November 15th, reporting a conversation with Jay and Adams separately

* Lord Edmond Fitzmaurice: *Shelburne's Life*, iii., 297.

† *Shelburne's Life*, iii., 298.

about the loyalists, each returning the same answer, that they would not agree to any measure for the restoration of those who had been instrumental in encouraging the war, and "that if peace with Great Britain was not to be had on any other terms than their agreeing to these provisions, the war must go on, although it should be for seven years to come, and that neither they nor the Congress had any power in the matter. . . . Mr. Adams said that he had been sent for last week to Versailles, and that M. de Vergennes had talked to him strongly in their favor." *

On November 23d Vergennes wrote to Luzerne that the King was not obliged "to prolong the war in order to sustain the ambitious pretensions which the United States may form in reference to the fishery or the extent of boundaries." † On November 25th the King was writing to Shelburne urging him to confide in Vergennes his "ideas concerning America," ‡ and on November 29th Secretary Grantham wrote to Fitzherbert: "If you find . . . that there is a real dependency to be made upon the pacific dispositions of France, you will not fail to avail yourself of a communication of them to Mr. Oswald, that he may be strengthened thereby in pressing the American Commissioners to the conclusion of the peace upon safe and honorable terms."

THE CLOSING NEGOTIATIONS.

November 28th the negotiators met at Oswald's lodgings, and were joined by Mr. Laurens, who had been exchanged for Lord Cornwallis, and arrived in time to interline in the articles the only clause which detracted from their dignity—

* Shelburne, despite the efforts of Vaughan, was not ready to surrender the claims of the loyalists. "It is no idea of interest," he wrote to Oswald, "which actuates us in regard to the refugees; it is a higher principle." And he suggested that unless the American Commissioners yielded he would bring the whole matter before Parliament. Strachey was ordered to return to Paris, and his instructions bore date November 21st.

† De Circourt, iii., 294.

‡ Bancroft, x., 589.

that which prohibited the British troops from "carrying away any negroes or other *property* of the inhabitants."

Mr. Oswald, by his instructions, was advised to sign whenever Mr. Fitzherbert, Mr. Strachey, and himself agreed in thinking it expedient, and Mr. Fitzherbert's interposition was deemed useful, if for no other purpose than to let the Americans see the possibility of an appeal to France. And a note from Townsend to Oswald (Whitehall, November 19, 1782) apprised him of the unanimous resolution of the Cabinet to adhere to the treaty then proposed, and seemed to indicate a possible peril in the remark, "I do not choose to prognosticate the danger of the effects of the refusal of the Crown on that spirit of conciliation which has now for some time prevailed in this country, if it prevents the treaty being signed before the meeting of Parliament."

At the first conference the American Commissioners were advised that the Ministry conceded the boundaries, although they deemed them too far extended, and Mr. Strachey explained the changes in the article on the fisheries, and presented "the restitution of the property of the loyalists as the grand point on which a final settlement depended." Jay asked if the proposition submitted was the ultimatum of the Ministry, and Strachey reluctantly answered "no," and admitted, too, that Oswald had absolutely authority to conclude and sign. "We agreed," says Mr. Adams in his diary, "that these were good signs of sincerity."

Townsend wrote to Oswald on November 22d: "The Parliament is postponed to December 5th next, to give time to receive a final answer from the powers with whom we are in negotiation."

Shelburne himself had written: * "It is our determination that it shall be either war or peace before we meet the Parliament, for I need not tell you that we shall have there to meet many opinions and passions." With the complications of the entire situation and the exigencies of the Ministry at home, our Commissioners wisely hastened to secure the vast advantages within their grasp, making the slight con-

* Shelburne to Fitzherbert, October 21, 1782.

cessions which seemed necessary and could be properly yielded.

The boundaries and the fisheries were the great points which interested America; the recovery of British debts and some provision for the refugees were the points which concerned the British Ministry.

On the question of the Northern and Eastern boundary, Mr. Adams was naturally strong; on the question of British debts he led the way in adjusting that point to the satisfaction of England; on the fisheries he exhibited great skill and energy in maintaining our rights, and although Congress had abandoned the fisheries as an ultimatum, the Commissioners, knowing that it had been done under French influence, stood firmly for the right, and the English yielded. "Such a victory," writes Mr. C. F. Adams, "is not often recorded in the annals of diplomacy." *

THE PROVISIONAL ARTICLES.

A final agreement was come to November 29, 1782, when Fitzherbert, Oswald, and Strachey met Franklin, Laurens, and Jay at Jay's apartment in the Hotel d'Orleans, and passed the entire day in discussion on the fisheries and the Tories, in whose behalf the American Commissioners agreed to a clause of recommendation by Congress to the States, and another guaranteeing them against future confiscation, prosecution, or loss.

The articles were ten in number. The *first*, an acknowledgment by his Britannic Majesty of the thirteen Colonies as free, sovereign, and independent States, and a relinquishment of all claims to the Government property and territorial rights.

The *second*, an agreement upon the boundaries extending to the Mississippi and including the northwest territory north of the Ohio.

The *third*, securing to the United States the right to the

* Adams' Works, i., p. 387.

Newfoundland fishery and elsewhere, and to dry their fish on Nova Scotia, Magdalen Islands, and Labrador.

The *fourth*, for the payment of creditors on either side.

The *fifth*, that Congress should recommend to the State Legislatures to restore the estates, rights, and properties of real British subjects, they refunding the *bona fide* prices paid since the confiscation, and a revision of all laws regarding the premises.

The *sixth*, that no future confiscation or prosecutions should be made—persons confined on charges by reason of the war to be set at liberty.

The *seventh*, that there should be a firm and perpetual peace between the countries, and providing for the withdrawal of the British troops, etc.

The *eighth*, that the Mississippi River should be forever open to the citizens of both countries.

The *ninth*, that any place or territory of either country conquered by the arms of the other before the arrival of the articles in America should be given up.

The *tenth*, that the ratification of the treaty should be exchanged within six months.

A "*separate article*" defined the boundary line between the United States and West Florida, should Great Britain possess the latter province at the end of the war.

The English Commissioners indulged no enthusiastic hopes that the articles would be warmly approved at home. Mr. Strachey wrote the same day: * "The fishery we have been obliged to alter considerably, but there could be no treaty at all without it. . . . Now, are we to be hanged or applauded for thus rescuing you from the American war? . . . I am half dead with perpetual anxiety. I shall not be at ease till I see how the great men receive it. If this is not as good a peace as was expected, I am confident it is the best that could have been made."

The same night Oswald wrote: † "A very few hours ago

* Strachey to Nepean, November 29, 1782.

† Oswald to Shelburne—"Paris, November 29, 1782, eleven at night."

we thought it impossible that any treaty could be made. We have, however, at last brought matters to a conclusion, so that we have agreed upon articles and are to meet to-morrow for the purpose of signing. . . . The article of the fishery has been particularly difficult to settle, as we thought the instructions were rather limited. It is, however, beyond a doubt that there could have been no treaty at all if we had not adopted the article as it now stands. Mr. Fitzherbert was satisfied that it would not interfere with the French negotiation, and we all three concurred in opinion that this article, and all the others as in the enclosed paper, should be concluded upon. . . . We attempted to have the ninth article in more explicit terms, but could not contend farther than as it now stands without raising a suspicion of what we really meant, and it was evident that the American Commission had yet received no advices concerning Bermuda."

On Saturday, November 30th, St. Andrew's Day, records Mr. Adams in his diary, "the Commissioners met first at Mr. Jay's, then at Mr. Oswald's, examined, compared; then the treaties were signed, sealed, and delivered, and we all went out to Passy to dine with Doctor Franklin. Thus far has proceeded this great affair. The unravelling of the plot has been to me the most affecting and astonishing part of the whole piece." *

The Provisional Articles of Peace so signed were to be inserted in and to constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the United States, but it was declared that such treaty should not be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly.†

* Adams, iii., p. 334.

† Provisional Articles, Dip. Corres., x., p. 109.

RECEPTION OF THE ARTICLES IN AMERICA.

The articles were received with great satisfaction in America, but the conduct of the negotiation was not unanimously approved at Philadelphia. The Commissioners, Adams, Franklin, Jay, and Laurens, in communicating the Provisional Articles, had said: "We knew this Court and Spain to be against our claims to the western country. . . . As we had reason to imagine that the articles respecting the boundaries, the refugees, and fisheries did not correspond with the policy of this Court, we did not communicate the preliminaries to the Minister until after they were signed, and not even then the *separate article*. We hope that these considerations will excuse our having so far deviated from the spirit of our instructions." * Mr. R. R. Livingston, the Secretary, while approving their steadiness in not treating without an express acknowledgment of independence, and approving the boundaries of the fisheries and acknowledging their firmness, perseverance, and success, expressed pain at the distrust manifested in the conduct of the negotiation, and especially in signing the articles without communicating them to the Court of Versailles, and in concealing the separate article after its signature.† The task of framing a reply,‡ says Mr. C. F. Adams, was devolved upon Jay, and a brief extract will give an idea of its tone.

"We perfectly concur with you in the sentiment, sir, that '*honesty is the best policy*.' But until it be shown that we have trespassed on the rights of any man or body of men, you must excuse our thinking that this remark, as applied to our proceedings, was unnecessary.

"Should any explanations, either with France or Spain, become necessary on this subject, we hope and expect to

* Dip. Corresp., x., pp. 118-120: The Commissioners to Livingston, Paris, December 14, 1782.

† Dip. Corresp., x., pp. 129, 130: Livingston to the Commissioners, Philadelphia, March 25, 1783.

‡ Dip. Corresp., x., pp. 187-193, dated Passy, July 18, 1783. See also Jay to Livingston, dated Passy, July 19, 1783 (Jay's Life, i., 174).

meet with no embarrassment. We shall neither amuse them nor perplex ourselves with flimsy excuses, but tell them plainly that it was not our duty to give them the information. We considered ourselves at liberty to withhold it, and we shall remind the French Minister that he has more reason to be pleased than displeased at our silence. Since we have assumed a place in the political firmament, let us move like a primary and not a secondary planet."

Mr. Livingston, before writing to the Commissioners his letter of March 25th, had on the 18th of that month made a communication to Congress, recommending that he be authorized to communicate the "separate article" to the French Minister at Philadelphia.

Four successive days, March 12th to 15th inclusive, had been employed by Congress in reading the despatches and preliminary articles, and hearing that the French Minister, M. Marbois, had said that the King had been surprised and displeased. When asked if he intended to complain to Congress, M. Marbois had answered that great powers never complained but they felt and remembered. Touching Mr. Livingston's propositions, Mr. Wolcott premised that Congress would never censure men who had obtained such terms for the country.

In the debate which followed, Mr. Rutledge held that the Ministers had adhered religiously to the spirit and letter of our Treaty with France, that the separate article did not concern France, and that Spain had no claim to our good offices. Colonel Mercer, of Virginia, who threatened to publish the articles and was called to order by the President, held that the Ministers had insulted Congress by sending their assertions without proof as reasons for violating their instructions, approved the conduct of the Count de Vergennes in promoting a treaty under the first Commission to Oswald, declared the conduct of the Ministers a tragedy to America and a comedy to the world, and that they proved that America had at once the follies of youth and the vices of age.

He was followed by Messrs. Hamilton, Peters, Bland, Wilson, Higgins, and Madison. The letter of the Secretary, with the despatches and propositions, were referred to a committee of Mr. Wilson, Mr. Gorham, Mr. Rutledge, Mr. Clark, and Mr. Hamilton, who on March 22d reported resolutions of thanks to the Ministers, that the separate article be communicated to France, and that Congress wished that the articles had been communicated before signing.

A further debate occurred on a motion to recommit the report, but no vote was had, it being late, "and a large proportion of members pre-determined against every measure which seemed in any way to blame the Ministers, and the Eastern delegates in general extremely jealous of the honor of Mr. Adams." *

The next day, Sunday, intelligence was received of the signing of the preliminaries of peace on January 20th, the news being brought by a French cutter from Cadiz, despatched by the Count d'Estaing to notify vessels at sea, and engaged by Lafayette to convey the news to Congress. Congress took no further action in the matter. The Secretary wrote his views to the Commissioners, who replied with spirit; and Hamilton wrote to Jay,† "the peace, which exceeds in the goodness of its terms the expectations of the most sanguine, does the highest honor to those who made it."

RECEPTION OF THE ARTICLES BY THE FRENCH COURT.

From the day when the Commissioners, including Franklin, agreed to treat with Mr. Oswald without consulting the French Court, they seem to have guarded the privacy of their negotiations with more success than attended the efforts of the French Ministry to keep secret from the Americans the visit of Rayneval to Shelburne, which was promptly dis-

* A sketch of the debates is given in Madison's *Debates*, vol. i., and they are quoted in the interesting twelfth chapter of the first volume of *Rives' Life of Madison*, p. 363 et seq.

† July 25, 1783.

covered by Jay and its unfriendly aim turned to our advantage by the mission of Vaughan.

During the same month of September, when Rayneval was in London, playing into the hands of the English Ministers and denouncing the American claims to the fishery and the Valley of the Mississippi and the Ohio, Luzerne was assuring Congress, whose amiable credulity seems to have been regarded as boundless, that "the King would most readily employ his good offices in support of the United States in all points relating to their prosperity." * The Provisional Articles slowly approached completion, without as it would seem arousing a single doubt at Versailles that the Americans had awakened to their danger: still less that they had taken their affairs into their own hands, and were rapidly becoming masters of the situation.

On October 14, 1782, in a letter to Luzerne, Vergennes said: "It behooves us to leave them to their illusions, to do everything we can to make them fancy that we share them, and unostentatiously to defeat any attempts to which these illusions may carry them if our co-operation is required."

In the same letter he assumed that the United States "had no right" to the lands which border on Lake Ontario, and that Mr. Jay's system was "*un pareil desir*:" an aberration undeserving of serious refutation; and then came the remark that the American agents "have all the presumption of ignorance," with the addition, "but there is reason to expect that experience will ere long enlighten and improve them." †

When a little later the copy of the Provisional Articles handed to him by Doctor Franklin enlightened his view of the practical statesmanship of the American Commissioners, he frankly wrote to Rayneval in England that the concessions granted by England exceeded all that he had believed possible, and Rayneval responded that the treaty seemed to him like a dream. The treaty, provisional though it was, appeared as a complete and final check to that part of the French

* September 23, 1782.

† Vergennes to Luzerne, October 14, 1782: De Circourt, iii., 288.

policy which concerned the position of the United States in the pending negotiations, and its future position as a national power. It ended the schemes shared if not inspired by Spain for depriving the Americans of the western and northwestern territories and of the Newfoundland fisheries, and of compensation to Spain for her services and losses, by securing her ascendancy on the Mississippi. It ended the game of playing into the hands of English Ministers against America on these points and on the loyalists, and so establishing a claim to concessions in return. It ended all hope of establishing in America the balance of power principle which obtained in Europe ; enabling England and Spain to hold in check the New Republic ; and it presented that Republic triumphant in diplomacy as in war, magnificently endowed, and the future mistress of the Western Continent.

As regards the disappointment to Spain, however severe, Vergennes perhaps felt it less sensibly, from the fact that the Spanish Court, to whose narrow selfishness he had alluded with so much contempt, irritated by the failure of the special objects of Spanish ambition, and most of all by the mortifying failure of the attack upon Gibraltar, had been betrayed into ungenerous and unwarrantable insinuations against the French soldiers who had taken part in the siege, insinuations which had aroused at Paris a national resentment.*

The American Commissioners, in communicating the articles to Congress,† said : " The Count de Vergennes, on perusing the articles, appeared surprised but not displeased at their being so favorable to us."

A few days later the Count, in communicating the articles to M. de Luzerne, remarked in a less contented tone toward the Commissioners, that " according to the instructions of Congress they ought to have done nothing without our participation ;" and as if the reserve of the American Commissioners might be attributed to some unwarranted interference

* Lecky's History of England, iv., 283.

† The Commissioners to R. R. Livingston, December 14, 1782 : Dip. Corres., x., 120.

with the American negotiations by the French Court, he added: "I have informed you that the King did not seek to influence the negotiations any further than his offices might be necessary to his friends."

The secret correspondence of the Count with Montmorin at Madrid, and Gerard and Luzerne at Philadelphia, showing his persistent attempts in the interest of Spain, and in return for her joining in the war, to postpone the recognition of American independence until the general peace: to exclude the Americans from the Mississippi and the Gulf, to deprive them of the Newfoundland fisheries and the northwestern territory, and to subject them to the control of Spain and England, affords an interesting illustration of the Count's assurance, that the King's efforts to influence the negotiations were compelled by the necessities of his friends.

France, as Mr. Lecky remarks,* was endeavoring as the principal member of a great coalition to make peace, and "she desired that America should make a serious sacrifice of her prospects for the benefit of the other belligerents, and especially Spain." Occasional expressions in the Count's letters indicate that his early appreciation of the Americans had not been increased by some of his dealings with them. Such an impression might well attend his practice, continued from one minister to another, in the use of donations, and by his remarkable success in forcing upon Congress, step by step, the instructions to their Commissioners, which as Marbois correctly described them made the King master of the terms of peace. And it would seem that he was not himself averse to curbing their ambition, restricting their limits, and conforming their progress to the ideas of Europe. But whatever apology Vergennes might find in the necessities of the King's friends, for the efforts of France to influence our negotiations, whether in the attempt to induce us to treat as English colonists, or to persuade us to relinquish our western boundaries by the conciliatory line urged in what purported to be a personal note of Rayneval, or to persuade Shelburne to reject our claims, those efforts, whether in the

* Lecky, iv., 283.

interest of the King or the King's friends, gravely threatened the welfare of America, and demanded of our Commissioners that they should see that no harm came to the Republic. The skill with which those dangers had been avoided and the future greatness of the Republic secured was warmly appreciated by the great diplomatists of Europe. The day after the signing of the Provisional Articles Jay received the congratulations of the Count d'Aranda, whose personal friendship with mutual regard was unhindered by their diplomatic opposition; and later of the Count de Montmorin, the French Ambassador at Madrid, whose part in the joint schemes of France and Spain appears by the secret correspondence. The complaint addressed by Vergennes to Franklin on the conclusion of the preliminary articles, in disregarding the instructions of Congress, and without the participation of the King, was diplomatically met by the courtly response of Franklin admitting that "in not consulting you before they were signed we have been guilty of neglecting a point of *bienseance*." And Franklin afterward wrote to Livingston,* touching the Court and the Provisional Articles: "I do not see, however, that they have any right to complain of that transaction. Nothing was done to their prejudice, and none of the stipulations were to have force but by a subsequent act of their own. . . . I long since satisfied Count de Vergennes about it."

Two days after Vergennes had written to Luzerne—on December 21st—to complain of the signing, he wrote again to that minister that the King would make a loan to the United States of six millions of livres (\$1,111,111) for the year 1783. This last fact has a significance beyond the amount of the loan, which, small as it was, France, impoverished by the war, could ill afford to spare. It reminds us that the American Commissioners, while violating the instructions of Congress when they found that adherence to those instructions would impair the honor, independence, and permanent prosperity of the Republic, and while thwarting by legitimate means the secret and hostile policy of France and

* Franklin to Livingston, July 22, 1783: Franklin's Works, xi., 533.

Spain, preserved inviolate the national faith plighted to France by the treaty of alliance, maintained the respect and friendship of that Court, and placed the Republic in a position of national dignity and national strength where it was more than ever the interest of France to cherish the cordiality of their relations.

THE EFFECT OF THE ARTICLES IN DEFEATING THE HOPES OF SPAIN.

To no court of Europe could the Provisional Articles have been less acceptable than to the Court of Spain. They came as an unexpected blow from a power which Spain had treated with rudeness and contempt. They involved not simply the overthrow of her schemes against the Republic and her plans for her own advancement in America, but by a curious and unexpected contingency they destroyed her hopes, which seemed on the very point of being realized, for the recovery of Gibraltar.

Nor could it have soothed the disappointment they awakened in Spain to remember that the American Minister, whom they had refused to receive, had been the chief of the negotiations in which they were vanquished, and that the treatment accorded him at Madrid had probably enabled him to divine and defeat the secret and unfriendly policy of France and Spain.

We have long been familiar with Spain's ungracious treatment of the United States during their revolutionary struggle, with her excuses, delays, and delusive assurances; and notably her unfriendly and shabby behavior in allowing the bills drawn by Congress upon Jay in reliance upon her friendship to be protested; dishonoring the credit of the Republic for want of a paltry sum—less than twenty-five thousand pounds sterling.* This was permitted by her after she had given

* See Jay's carefully drawn protest and statement of facts in his letter to Livingston, April 28, 1782: *Dip. Corresp.*, viii., p. 83 et seq., and the remarks on this transaction of the French Ambassador, the Count de Montmorin, in his letter to the Count de Vergennes, dated Madrid, March 30, 1782: *de Circourt*, iii., 326-7.

the American Minister reason to believe that the necessary moneys would be advanced, and when, under the circumstances, it was a discourtesy to France almost as great as to ourselves.

Jay wrote from Spain: "The conduct of this Court bears few marks of wisdom. They have little money, less credit, and very moderate talents." *

Cumberland, British Agent at Madrid, in 1781, suggested that other than political motives inspired the policy of King Charles, when he wrote that "there was a gloomy being, out of sight and inaccessible, whose command as confessor over the royal mind was absolute, and whose bigotry was disposed to represent everything in the darkest colors against a nation of heretics." † But without the secret correspondence of Vergennes and Montmorin we could hardly appreciate the extent to which Spain was set against the independence of America from her dislike of our principles, her jealousy of our growing power and influence, and, in reference to her own colonies, from her dread of our ambition and our example. Nor could we, without these letters as quoted by Bancroft, or given more fully by de Circourt, at all appreciate the character and extent of the agreement by which France had secured the alliance of Spain in the pending war. We now read aright the efforts of Vergennes, Rayneval, and Luzerne to moderate the demands and expectations of Congress concerning the terms of the peace, and to induce them confidently to leave to his Catholic Majesty the adjustment of the Mississippi and the western territory.

On one occasion, after the scheme for depriving us of the boundaries, the Mississippi, and the fisheries had been agreed upon, the French Minister assured Congress that "the King

* Jay to Franklin, February 11, 1782: *Dip. Corresp.*, viii., 64.

† Cumberland the dramatist, whom Goldsmith describes in his poem "Retaliation" as

"The Terence of England, the mender of hearts,"

was sent by the British Ministry in 1780-81 to sound the Spanish Court with a view to negotiations.—*Flanders' Chief Justices*, i., 297. *Cumberland's Memoirs*, 193.

accepted with pleasure the proofs which Congress have given him of their confidence when they entrusted to his care the interests of the United States; that he would use his influence and credit for the advantage of his allies whenever a negotiation should render their interests a subject of discussion; that if he did not obtain for every State all they wished, they must attribute the sacrifice he might be compelled to make of his inclination to the tyrannic rule of necessity.* That these bland assurances with their semblance of good faith carried some weight with members of Congress is clear from the remark of Mr. Madison, in speaking of the debate on the Provisional Articles in March, 1783,† that “upon the whole it was thought and observed by many that our Ministers, particularly Mr. Jay, instead of making allowances and affording facilities to France in her delicate situation between Spain and the United States, had joined with the enemy in taking advantage of it to increase her perplexity.” “The delicate situation” of France, for which Jay and his associates were to make allowances and afford facilities, is made clear by the terms of the bargain in which she secured the Spanish alliance. Vergennes had offered the King of Spain *carte blanche* to frame a treaty which the Ambassador of France should sign,‡ and Florida Blanca regarded the success of his schemes as certain, and expected to gain for himself a reputation that should never die.§

His joy at being able to exercise power over France and make Vergennes adopt and execute his plans for the advancement of Spain, and his vindictive policy toward America, was blended with a confidence that France in her turn would bend the Republic to her will, restrict its boundaries and arrest its growth: and these anticipations may have encouraged the contemptuous refusal of Spain to recognize the independence of the United States and her willingness to destroy its credit, and her small exhibition of international

* November 23, 1781: Jay's Life, i., 134.

† Quoted in Rives' Madison, i., p. 354.

‡ Vergennes to Montmorin, December 24, 1778: Bancroft, x., 185, 186.

§ Bancroft, x., 185.

courtesy toward a nation whom the joint counsels of the Houses of Bourbon had destined to a position of dependency where it would be both helpless and harmless. Certain it is that Jay, during the two years he passed in Spain,* had an opportunity of observing the policy toward America of the Courts of Paris and Madrid. One of his biographers has said "his mind was vigorous, exact, logical. . . . Judgment discriminative, penetrating, was the characteristic of his understanding," † and he learned, perhaps unconsciously, to read aright the traits and methods of Bourbon diplomacy, however veiled by the blandishments of Courts or marked by the secrecy and dexterity of French *finesse*. His letters from Spain show that he had already detected some features of that policy which he so accurately analyzed at Paris.

He had written from Spain: "There are many things that induce me to think that France does not, in fact, wish to see us treated as independent by other nations until after a peace, lest we should become less manageable in proportion as our dependence upon her shall diminish." ‡ That idea became a conviction when Vergennes not only advised them to treat under Oswald's full Commission, which described them as colonies, but advised Fitzherbert that that Commission would answer: an advice intended to influence against us the British Government. Then Jay quietly told the Minister that "we neither could nor would treat with any nation in the world on any other than an equal footing." §

Then came Jay's direct and most successful appeal to Shelburne through Vaughan: the new Commission to treat with "the United States of America:" the united resolve of the American Commissioners to proceed without consulting the French Court, as a power of equal dignity and independence: inspiring the British Cabinet with confidence and respect, and so convincing their judgment as to the true policy to be pursued toward America, that the plans of France and

* From January 22, 1780, to June, 1782.

† Mr. Henry Flanders: *Lives of the Chief Justices*, i., 429.

‡ Jay to Livingston, Madrid, April 28, 1782: *Dip. Corr.*, viii., 69.

§ Jay to Gouverneur Morris: *Jay's Life*, ii., 106.

Spain for arresting its progress were quietly swept away forever.

When Rayneval in London spoke to Lord Shelburne, as he admits somewhat reproachfully, of the precipitancy of their dealings with the Americans, and attempted to take advantage of the opportunity to express some remarks on the embarrassments to Spain from the article which gave the Americans the navigation of the Mississippi, Lord Shelburne replied in a lively tone, that "all that concerned Spain mattered little to him; that this power deserved courtesy only as being his Majesty's ally, but that he would take no step in its favor." *

But Spain, in making the Spanish alliance, had had one other object apart from the permanent reduction and humiliation of the Americans, and that was the recovery of Gibraltar, to which France had been compelled to pledge herself, and Florida Blanca wrote to Montmorin, "without Gibraltar I will never consent to a peace." †

Gibraltar would have been won by Spain in the peace negotiations but for the signing, in advance, of the Provisional Articles. The wise and watchful diplomacy of the American Commissioners secured their signature at the auspicious and essential moment. "We must have signed," said Adams, ‡ "or lost the peace. The peace depended on a day. If we had not signed the Ministry would have changed," and no such terms could have been had from their successors.

Mr. Lecky says: "The separate signature appears to have had one important effect upon European affairs. The cession of Gibraltar to the Spaniards had for some time been seriously considered in the Cabinet, and Shelburne himself was disposed to agree to it. After a long deliberation the Cabinet had actually resolved to exchange Gibraltar for Gauda-

* M. Gérard de Rayneval à M. le Comte de Vergennes, Londres, 25 Decembre, 1782: "Mais mylord Shelburne m'a répondu avec vivacité que cela lui était indifférent; que peu lui importait tout ce qui pouvait concerner l'Espagne," etc. De Circourt, iii., 52.

† Montmorin to Vergennes, January 12, 1779: Bancroft, x., 186.

‡ Adams, viii., 88.

loupe, when the news of the accomplished peace with America (meaning the Provisional Articles), induced them to reconsider their determination." *

EFFECT OF THE ARTICLES IN ENGLAND.

On December 5th Parliament met, and instead of a general peace but one provisional pacification could be announced. The King said in his message that he had found it indispensable to an entire and cordial reconciliation with the colonies to declare them free and independent States, and alluded to the Articles agreed upon to take effect, whenever terms of peace should be finally settled with the Court of France. He added: "In thus admitting their separation from the Crown of these kingdoms, I have sacrificed every consideration of my own to the wishes and opinions of my people. I make it my humble and earnest prayer to Almighty God that Great Britain may not feel the evils which might result from so great a dismemberment of the empire; and that America may be free from those calamities, which have formerly proved in the mother country how essential the monarchy is to the enjoyment of constitutional liberty. Religion, language, interest, affection, may, and I hope will yet prove a bond of permanent union between the two countries; to this end neither attention nor disposition on my part shall be wanting."

Attacks upon the recognition of American independence came from the two sections of the opposition which afterward coalesced; with bitter speeches from Lord Stormont, Burke, and Fox; and Pitt and Shelburne rather weakened

* Lecky's History, iv., 284; Shelburne's Life, iii., 305, 306. M. de Rayneval, writing to the Count de Vergennes, December 25, 1782, says: "Vous ne demanderez peut-être, Monseigneur comment il est possible de combiner avec ce que je viens de dire la conduite de mylord Shelburne, relativement aux équivalents. Je vous ai donné plus haut, et dans plusieurs de mes dépêches, la clef de cette conduite. Celle des plénipotentiaires Américains y a contribué essentiellement, et mylord Grantham, comme mylord Shelburne, en a prévu les effets. La malheureuse nouvelle de la signature qu' ils ont faite à notre insu a donné lieu à l'extension des équivalents demandés pour Gibraltar."

their position by a difference of view, Pitt stating that the article of independence was irrevocable though the treaty should be abortive, and Shelburne holding that this was undoubtedly a mistake, for that independence was alone granted for the sake of peace. With better success than has always attended our senatorial rule of secrecy, all attempts to obtain a copy of the Provisional Articles were defeated.

Rayneval and a son of Vergennes remained in England as the guests of Shelburne, and during their stay made the acquaintance of Jeremy Bentham, "who criticised them both severely." * Mr. Fitzherbert continued in Paris his negotiations with the Count de Vergennes. .

On January 20, 1783, the preliminary articles of peace were signed at Paris between Great Britain and France and Great Britain and Spain, and were followed by a proclamation of the cessation of arms between Great Britain and the United States. Adams and Franklin were present, and with Fitzherbert signed the declaration. From that day the Provisional Articles took effect.†

Apart from the difficulties of his foreign policy, Shelburne had raised up many enemies by his view of parliamentary reform, and his measures for correcting abuses in the civil service; and when on February 11th Pitt, with the permission of the King, invited Fox to join the ministry of Shelburne, Fox coldly declined, choosing, as Bancroft remarks, a desperate alliance with those whose conduct he had pretended to detest, and whose principles it was in later years his redeeming glory to have opposed.‡

The debate on the address upon the peace took place February 17, 1783, Lord Pembroke and Lord Carmarthen being the proposer and seconder in the Lords, and Mr. Thomas Pitt and Mr. Wilberforce in the Commons. The amendment was cleverly drawn, engaging Parliament to confirm the peace, but asking time to consider and virtually de-

* Shelburne's Life, iii., 306, 307, referring to Vergennes to Shelburne, December, 1782, January, 1783, and Bentham, x., 125, 126.

† Dip. Corr., x., 122, 123; Bancroft's Const. Hist., i., 48.

‡ Bancroft's Const. Hist., i., 49, 50.

clining to approve. The supporters of the amendment were Lords Townsend, Stormont, Sackville, Walsingham, Keppel, and Loughborough. Against them were the Duke of Grafton, Lords Grantham, Howe, Shelburne, and the Chancellor. After a debate which extended to an early hour in the morning, and an able speech from Shelburne, the Government triumphed by a vote of 72 to 59, a majority of 13.*

In the House of Commons the amendment was carried by 224 to 208, and the coalition triumphed. Pitt, in the course of a remarkable speech, said: "I repeat then that it is not the treaty, it is the Earl of Shelburne alone whom the movers of the question are desirous to wound." This is the object which has raised this storm of factions; this is the aim of the unnatural coalition to which I have alluded."†

On February 22d a vote censuring the terms of peace was passed by 207 to 190, and on the 24th Shelburne resigned. While the King was looking for a minister, Pitt with the concurrence of Shelburne, decided to push on the bill which proposed to regulate the commercial intercourse with the United States. "The measure," says Lord Edmond Fitzmaurice,‡ "was one of obvious urgency, and was framed with the liberal principles which had actuated Jay and Oswald in their conversation on the subject at Paris. It relieved the commerce between the United States and England of the burden of the navigation acts. The introduction of it, however, was the signal of an opposition from the Whigs, nor was it able to make any material progress." On April 2d, Pitt "with his usual great discretion" having declined the premiership, there was formed the coalition ministry, with the Duke of Portland as First Lord of the Treasury and the old opponents, Lord North and Mr. Fox, Secretaries of State. Mr. Green, in his admirable history, pronounced this the most unscrupulous coalition known in English history.§ Lord Mahon, with equal contempt, said that "from a new

* Shelburne's Life, iii., 346.

† Ibid., 367; and Mr. Lecky's History of England, iv., says that in this statement Pitt was felt to have expressed the truth.

‡ Ibid., 370.

§ Green's History of England, p. 760.

and strange coalition an ill-formed and rickety government struggled into life." * Wilberforce described the coalition as partaking of the vices of both its parents, the corruption of the one and the violence of the other.†

Under the coalition ministry the efforts of the American Commissioners to place the further commercial intercourse of the United States and Great Britain on a safer and permanent footing by definitive treaty, were rendered fruitless by the dilatory and fluctuating councils of the coalition Cabinet, which on December 19th was superseded by the cabinet of Pitt.‡

Mr. Oswald was recalled soon after the Provisional Articles were signed. In the spring Mr. David Hartley was appointed to succeed him; and the negotiation between the American Commissioners and this gentleman terminated in August, 1783, in an agreement to adopt, as they stood, the Preliminary Articles.

THE DEFINITIVE TREATY.

The preliminary articles were embodied in a definite treaty, and signed by Adams, Franklin, and Jay on the part of the United States, and David Hartley on behalf of Great Britain, on September 3, 1783. They were signed at Paris, and not at Versailles, as first proposed, Mr. Hartley's instructions confining him to Paris, and they were ratified by Great Britain on April 9, 1786.

We have traced to their successful conclusion the progress of the peace negotiations which secured to the United States their independence, with the boundaries and fisheries, a vast extent of territories, and large commercial advantages. The Americans were saved from all danger or apprehension from powerful neighbors, saved from the necessity of seeking foreign alliances to secure their safety, left free to reorganize and perfect the national government by the formation of our national constitution, which was framed with a wisdom that

* Lord Mahon's *History of England*, vii., 207.

† Lecky, iv., 297.

‡ Life of Jay, i., 170.

commanded the admiration of the world, and to exercise in the coming European contests the strict and impartial neutrality which reflected so great honor on the government of Washington. The influence of the treaty was at once felt in Europe, and as Mr. Trescott remarks in his admirable study of the Diplomacy of the Constitution, the spirit, the firmness, and judgment with which the negotiations were conducted, and the character of the treaty itself, were unquestionable advantages of the new government.

The Americans became independent not only of England but of the world: they were not entangled with the policy of France, they were not forced to compromise their western interests to conciliate Spain.

This success was achieved by the united action of the Commissioners, and that was due to a common devotion to the interests of their country.

Jay wrote to Secretary Livingston from Paris, December 12, 1782: "It gives me pleasure to inform you that perfect unanimity has hitherto prevailed among your Commissioners here; and I do not recollect that since we began to negotiate with Mr. Oswald there has been the least division or opposition between us. Mr. Adams was particularly useful respecting the eastern boundary, and Doctor Franklin's firmness and exertions on the subject of the Tories did us much service.

"I enclose herewith a copy of a letter he wrote about that matter to Mr. Oswald. It had much weight, and is written with a degree of acuteness and spirit seldom to be met with in persons of his age." *

The unity of action thus obtained, as Mr. C. F. Adams remarks, did not fail of its effect upon the British agents, and he adds, that upon every point on which there was a probability of dispute, the American Commissioners were prepared to reason far more vigorously than their opponents, and in no case did they manifest more of tact and talent than in maintaining their own independence without furnishing the least opening for complaint of want of faith to their ally.

* Dip. Cor., viii., pp. 214, 215.

THE POLICY OF VERGENNES.

The object of this review of the peace negotiations, by the light newly afforded by the secret correspondence disclosing the character and extent of the plot for the spoliation of America by France and Spain, has been rather to recall the historic facts now established beyond a doubt, and to do justice to the American Commissioners, who have been unjustly treated through a misrepresentation of the truth, than to discuss the policy or the faith of the eminent chief of the French Government, whose conduct during the war had earned for him the regard and gratitude of the American people. To many, despite the proofs which have been accumulating during the last half century to the correctness of the views entertained by Jay and Adams of the policy of France, the disclosure by the letters of Vergennes and his agents, of the secret conspiracy of the two great powers who fought in our war of independence to deprive us of its just fruits, will come like a revelation. Whatever bears upon it will be carefully considered. The publication by our Government will be demanded of all the documents gathered or to be gathered from the archives of Europe. Students of history here and abroad will subject the correspondence to severe analysis, and it may be that Vergennes will find apologists and defenders in the future as in the past: and this time on the ground which he himself assumed—that he had never abandoned the virtual independence of the United States to which he was pledged, however strongly urged by Spain, and that, as he insisted, nothing in the treaty of alliance with us compelled him to recognize or assist our claims to the fisheries or the boundaries. But there will remain the fact that in seeking to defeat those claims he exhibited toward the United States a want of frankness and a diplomatic *finesse* which, had it deceived our Commissioners to the extent that it deceived Congress, or to the extent that it has imposed on the credulity of even American historians during the past century, would have involved a loss of national dignity, territory, and power, and

would have reduced us to a pitiable condition of weakness and humiliation. The letters both of Vergennes and of his agents show their constant care to keep the Americans in the dark as to their real designs, and a consciousness that their relations would be strained should those designs be discovered, and that they would never be forgiven.

The first appearance of Vergennes in the difficulties between England and her American colonies, as the story is told by the historian Lecky,* was early in 1776, some months before our Declaration of Independence. In the beginning of that year Vergennes prepared a memorial on American affairs which was laid before the King, and by the King submitted to Turgot, who in April, 1776, presented his own views of the question. Vergennes' memorial while deprecating a war, tended to urge upon the Government a more directly aggressive policy. He held the civil war beginning in America advantageous to both France and Spain as likely to exhaust both the victors and the vanquished; that "the continuance of the war for at least one year was desirable for the two crowns," and "to that end the British Ministry should be maintained in the persuasion that France and Spain were pacific, so that it may not fear to embark in an active costly campaign, while on the other hand the courage of the Americans should be kept up by secret favors and vague hopes which will prevent accommodation." To carry out this policy the Ministers must "dexterously tranquillize the English Ministry as to the intentions of France and Spain," while secretly assisting the insurgents with military stores and money,† and they must at the same time strengthen their own forces with a view to war. Mr. Lecky remarks that to judge the real character of this advice it should be remembered that England was then at perfect peace with France, and had given no provocation or pretext for hostility; that the American colonies had not yet declared

* Lecky, iv., pp. 42, 43, 44.

† Turgot, supported by Maurepas and Malesherbes, recommended a different and more pacific policy, but that of Vergennes prevailed, and assistance was given in arms, clothes, cannon, and stores in 1776, besides the money sent by Beaumarchais, the author of "The Barber of Seville" and a confidential agent of Vergennes. Dip. Corres., i., p. 131.

their independence ; that the quarrel was purely domestic, and that no regard for their principles or their interests entered into the motion of action declared by Vergennes.

The policy recommended in this memorial closely resembles that developed in the secret correspondence now brought to light, where the policy was so closely identical that the same phrase might have been used, that to carry it out the Ministers must " dexterously tranquillize the American Congress as to the intentions of France and Spain."

Mr. C. F. Adams, speaking of the disingenuousness and unscrupulous deception of the French system, and methods of French diplomacy during the latter years of Louis XV., remarks that " the effect of such a system upon the ambassadors of France at Foreign Courts could only be to school them in the practice of compounding duplicity. . . . It was to confirm deception as the rule and to uphold truth only as the exception required for the exclusive benefit of the monarch himself. . . . Thirty years of experience in a school of policy thus purely French had resulted in making de Vergennes one of the most skilful of her diplomatists." *

The American Commissioners seem to have viewed the policy of France with a judicial fairness softened by a remembrance of her efficient and friendly services in the past, but with a due sense of what was due to their own country, and their language in reference to the unfriendly policy of France is singularly gentle in view of her actual designs against the dignity and power of the Republic. They said in their letter of July 18, 1783,† in response to Livingston's remarks disapproving of their course : " It would give us great pain if anything we have written or now write respecting this Court should be construed to impeach the friendship of the King and nation for us ; we also believe that the minister is our friend, and is disposed so far to do us good offices as may correspond with, and be dictated by his system of policy for promoting the power, riches, and glory of France. God forbid that we should ever sacrifice our faith, our gratitude, and our honor to any considerations of convenience ; and may

* Adams, i., 299, 309.

† Dip. Corres., x., 191.

He also forbid that we should ever be unmindful of the dignity and independent spirit which should always characterize a free and generous people."

EUROPEAN ESTIMATE OF AMERICA.

The papers and correspondence relating to America, in the French Archives, so far as France and Spain were concerned, do not confirm the view which has been sometimes entertained, even to our own day, of an extreme indifference on the part of European statesmen of the last century to the rise and growth of the American Republic. In 1788 Patrick Henry said, in reply to an opponent, in the Virginia Convention, when the ratification of the National Constitution was being debated: "Give me leave to say that Europe is too much engaged about subjects of greater magnitude to attend to us. On that great theatre of the world, the little American matters vanish." But Marshall mentions in his life of Washington, that when Genet came to us as Minister from the French Republic, he submitted to our Government official documents, disclosing the unfriendly views which had been entertained by Vergennes and Montmorin toward the United States, manifesting in plain terms the solicitude of France and Spain to exclude the United States from the Mississippi, their jealousy of the growing power of our country, and the wish of France, expressed while the question was pending, that the Constitution might not be adopted, as it suited France that the United States should remain in their present state; because if they should acquire the consistency of which they were susceptible, they would soon acquire a force or a power which they would be very ready to abuse."

Mr. Charles Francis Adams, in speaking of John Adams' estimate at an earlier date of Vergennes' policy, and the fact that the American cause was everywhere made subordinate to continental politics, remarked that perhaps his impressions at some moments carried him even farther, and led him to suspect in the Count a positive desire to check and depress America. "In this," remarks Mr. Charles Francis

Adams, "he fell into the natural mistake of exaggerating the importance of his own country. In the great game of Nations which was now playing at Paris, under the practised eye of France's chief, the United States probably held a relative position in his mind not higher than that of a pawn or probably a knight on a chess-table."

While admitting the partial correctness of this view, we cannot forget that the colonies of differing nationalities from Canada to the Gulf, with their local rivalries and disputes, and their forced participation in the constant wars of the European powers to which they respectively belonged, had made the boundaries, the character and the resources of the colonies a matter of constant interest to the home Governments. From the secret correspondence now brought to light, as well as from our own records, it would seem clear that the ablest statesmen of France and Spain, if of no other countries, had studied the probable future of America with a singular intentness and far-reaching intelligence. If they looked upon her as a pawn, it was as a pawn which, unless carefully watched and checked, was all but certain to become a queen.

The Count de Vergennes, in a letter dated October 14, 1782, to the Chevalier de la Luzerne at Philadelphia, expressed with cynical frankness his contempt for American views as measured by the European standard of opinion. He said: "But the American agents do not shine by the soundness of their views, or the adaptation thereof to the political condition of Europe; they have all the presumption of ignorance."

MEMOIR ON THE PEACE NEGOTIATIONS FROM THE FRENCH ARCHIVES.

Some extracts from a memoir in the Circourt papers, taken from the French archives, and which Mr. Bancroft writes me *

* From Mr. Bancroft's note, signed "Geo. Bancroft, 11 Dec., 1882, æt. 82 y. 2 m. 8 d." "The papers referred to by Mr. Jay in his letter of December 18, 1882, were both selected from the French archives, by myself. They are classified among those papers relating to *Angleterre*. They were both certainly prepared in the French Department of Foreign Affairs. The kings of France and

was certainly prepared in the French Department of Foreign Affairs, are interesting and instructive as illustrating the policy of restricting the limits, resources, and actual independence of the United States disclosed in the secret correspondence of France, as coinciding with the desire of Spain, expressed to England when she proffered mediation, that the ambition of the Colonies "should be checked, and tied down to fixed limits through the union of the three nations." *

It may also recall the remark of Jay to Washington: "It is very evident to me that the increasing power of America is a serious object of jealousy to France and Spain as well as Britain." †

Mr. Bancroft, in quoting the remark, adds in a note: "Mr. Sparks has written on the margin in pencil, 'Mr. Jay is a man of suspicions.'"

This remark, not apparently intended for publication, would seem to indicate that Mr. Sparks knew nothing of the secret correspondence of Vergennes disclosing his policy and designs in regard to the boundaries, the fisheries, and the Mississippi. And the question becomes the more interesting how he was deceived into the belief that the letters shown

Spain being of the same family, and being engaged in the same war, needed to respect each other; these documents show the interest taken by France in the wishes of Spain. The one without date, but supposed to belong to the middle of 1782, relates especially to the need of restraining the United States boundaries, a subject on which Spain was keenly alive. You can judge as well as I whether the paper was not so planned as to be able to be submitted to the perusal of the Spanish Ambassador at the Court of Louis XVI."

Before receiving this note from Mr. Bancroft I was inclined to think that the memoir might more probably have come from the Spanish Ambassador, as the French Court would hardly call the Americans "insurgents;" and M. de Circourt in a note (Circourt, iii., p. 38) suggests that the memoir, written by one not an expert in the French language, but well informed as to the interests of the time when he lived, reproduced the thoughts of the Count d'Aranda; although he adds that the nature of the thoughts and the tenor of the political tendencies are the same with those of the letters of the Comte de Mercy. Mr. Bancroft's opinion, however, based on an examination of the original document and a thorough knowledge of the French policy as exhibited in the Vergennes correspondence, is of the highest authority.

* Bancroft's Hist., x., p. 165.

† Dated Paris, April 6, 1783; quoted in Bancroft's Const. Hist., i., 307.

him at the French Office of Foreign Affairs were, as he declares, "the entire correspondence of the Count de Vergennes during the whole war with the French Minister in this country, developing the policy and designs of the French Court in regard to the war and the objects to be attained by the peace," if all the significant letters quoted by Bancroft and Circourt had been carefully eliminated.

The memoir relates to the principal objects to be considered in the negotiations for peace, of a date between May 30 and June 15, 1782, and presents a view of European policy that exhibits with great clearness the care with which the American question had been studied by European diplomatists with reference to European views and interests: with which they were anxious to convince the Court of St. James that the interests of Great Britain were in this case identical. After stating that they are to witness the rise in the midst of Europe, of a new power which is to become in America a state similar to that which gave it birth, and that the future treaty of peace would make it a rival of England, independent *de jure*, for "such was of necessity the will of France, for that was the most fatal blow she could inflict upon her ambitious and troublesome rival;" the question was asked whether France had "foreseen the extent of the power which the United States may eventually acquire," and declared that "what at the present moment appears of the greatest importance is to regulate the territorial extent which must be given to this power on the vast continent of North America, and what its boundaries shall be. . . . The interest of Europe in general, and of the entire world, demands that the power of the insurgents should have well-known and clearly defined boundaries. It would be too dangerous to leave to this power at the moment of its birth a domain of undetermined extent, in a new land very thinly peopled as yet, but which can become populous in a very short time." This idea, the danger of enabling the American leaders to extend their revolutions from America beyond their continent, the migratory spirit of the English people, stimulated by the hope of more assured

liberties in the new state, would decide numbers of English families to leave their homes and settle amidst the insurgents, and this new wound would not be the least prejudicial to England; "the rest of Europe, also, should guard against emigration." The excellence of the American soil, which the war had made known, was made to present an argument for forestalling the evil of emigration against which each power should take precautionary measures, by not leaving too much land to the American colonists. "To neglect this important point," says the memoir, "were a capital mistake, for which repentance would promptly follow."

The unhappy consequences were then pointed out, which would result from the insurgents being allowed to spread too far to the eastward and seize the fisheries on the eastern shore, or on the north to the excellent land on the lakes and the St. Lawrence, where they might seize the fur trade: or to advance along the Ohio and the Mississippi to the silver mines of Mexico. It was therefore of paramount importance to surround the new power, at the moment when it was to be framed and consolidated, with nations capable of mutually supporting each other against their enterprises.

It was held to be clear that there must be an entire cession of Florida to the Spaniards, and that Spain must not disturb the domains of England: and the treaty of peace in recognizing the independence of the colonies should first of all hold them to their original limits, "so that the new Republic," in the language of the memoir, "may never be able to extend beyond them, neither by conquest, nor by association between the American Colonies. The boundaries of their continent must be detailed and circumscribed with the greatest exactness, and all the belligerent powers must bind themselves to prevent any transgression of them. It is as much in the interest of England as in that of Spain, France, and Holland to stop them by force at the first infraction of the limits and the first attempt toward extending beyond them." The extracts given by De Circourt, after further elaborating these views, close with the suggestion that the insurgents, being no longer Englishmen, should not be allowed to

aggrandize themselves by the fisheries at England's expense, and that "it is therefore obviously in England's interest, to have the French as partners at Newfoundland in preference to the insurgents."

These extracts enable us to understand the drift of M. Vergennes' complaint, that the views entertained by American statesmen in regard to the proper boundaries and resources of the new Republic were ill adapted to suit the political views of Europe—views which were based on a jealousy of our future power and a fear of our influence and example upon dissatisfied colonies.

Mr. Bancroft refers to the opposition of the Prince Montbarey to the alliance of France with the insurgents, as fraught with danger in sustaining a revolt against established authority: and to the doubts of the first Minister, Maurepas, and the remonstrances of the Minister of War and the interior sentiment of the King himself, when the traditional antagonism to England forced the French into an alliance with America.*

Mr. Bancroft also quotes Raynal, who had renounced the Jesuit cloister, as remarking that "the philosophers like the statesmen of France would not have the United States become too great; they rather desire to preserve for England so much strength in North America that the two powers might watch, restrain, and balance each other."

M. Flassan speaks of the disapproval at Court of the position of the King as the encourager of rebels,† and a despatch to King Frederic II., dated April 25, 1782, from M. de Sandoz Rollin,‡ relates an incident at a sitting at Versailles, presided over by the King, which indicated impatience at the annual expenditures for America and Holland, in his remark: "Very dear to keep people from whom we can expect neither fealty nor compensation!"

* Bancroft, x., p. 42.

† Flassan: *Diplomatie Française*, vi., 402.

‡ Circourt, iii., p. 159.

THE AMERICAN BEARING OF THE FRENCH AND SPANISH ALLIANCE.

The event which most defined the policy of France toward America was the treaty signed at Madrid, April 12, 1779, by which the King of France entered into an alliance offensive and defensive with his uncle, the King of Spain, by which Spain agreed to engage in the war against Great Britain, with a stipulation that no peace should be concluded until Gibraltar was returned to Spain. An interesting sketch of the negotiations which preceded this treaty, and of the sacrifice by Vergennes of American interests in order to secure the alliance, is given by Bancroft, with references to original authorities.* About a month before the signing, Vergennes wrote to Montmorin in a tone which showed at once his distrust of Spain and his indifference to the interests of his American allies. "How can he ask us to bind ourselves to everything that flatters the ambition of Spain, while he may make the secret reserve never to take part in the war, but in so far as the dangers are remote and the advantages certain? In one word, to reap without having sown? . . . I cry out less at his repugnance to guarantee American independence. Nothing is gratuitous on the part of Spain; we knew from herself that she wants suitable concessions from the Americans; to this we assuredly make no opposition."†

In two points it threatened the interests of the United States.

1. As regards the fisheries, France agreed that if she could drive the British from Newfoundland, its fisheries were to be shared only with Spain.

2. From the United States, Spain was left free to exact as the price of her friendship, a renunciation of every part of the basin of the St. Lawrence and the Lakes, of the naviga-

* Bancroft's History, x., chapter viii., p. 181.

† Vergennes to Montmorin, March 19, 1779, quoted in Bancroft, x., 190. This letter is not included among those given by De Circourt.

tion of the Mississippi, and of all the land between that river and the Alleghanies.*

Here again we see that all that would have been left to the United States, would have been the narrow strip along the Atlantic.

Mr. Bancroft makes one suggestion of no slight interest when he says : " This convention of France with Spain modified the treaty between France and the United States. The latter were not bound to continue the war till Gibraltar should be taken ; still less till Spain should have carried out her views hostile to their interests. They gained the right to make peace whenever Great Britain would recognize their independence."†

The original correspondence quoted and referred to by Bancroft, and in part printed by De Circourt, is of great importance as showing that the boundaries and the fisheries claimed by America, and which they confidently hoped would be secured for them by the Court of France, were a part of the price claimed by Spain and acceded to by Vergennes for the Spanish alliance in the war ; and as showing, further, that after he had thus secured the treaty with Spain, he held himself bound by his engagements with that power to acquiesce in and assist her hostile policy toward America in every point, save that of the actual independence which France had guaranteed, and which Vergennes held it was not essential that England should acknowledge. This disclosure of his bargaining with Spain assists us to understand the instructions to his diplomatic agents at Philadelphia, explaining and enforcing the inimical policy of France.

When in 1779 Gerry asked Congress to declare the common right to the fisheries, the resolution was opposed by the friends of France as sure to alienate Spain, and M. Gérard remarked : " There would seem to be a wish to break the connection of France with Spain ; but I think I can say that if the Americans should have the audacity to force the King of France to choose between the two alliances, his decision would not be in favor of the United States."‡

* Bancroft, x., p. 191.

† Ibid., 191, 192.

‡ Gérard to Vergennes, July 14, 1779, quoted by Bancroft, x., 219.

"We never lose sight of the fact that Spain will strive to set her own interests before everything else ; that she will want to make all the other conditions of peace subordinate to them ; and that she will the less give any attention to those of the Americans : that she also sees their independence with deep reluctance (*avec douleur*)."

Some of the instructions of Vergennes to his agents at Philadelphia published by Circourt* are elaborate discussions against the American claims, and exhibit in their reasoning more ingenuity than good faith.

One, for instance, addressed to M. de la Luzerne, says : "With regard to the navigation on the Mississippi, it is pretty nearly proved that the Americans have no claim to it, since at the moment when the revolution broke out the limits of the thirteen States did not reach to the river, and it would be absurd for them to claim the rights of England, of a power whose rule they have abjured."

Again, writing to de la Luzerne, he remarked in transmitting the king's views and that of his council : † "It results from this that the fishing along the coast of Newfoundland, New Scotland and its dependencies, Canada, etc., belongs exclusively to the English, and that the Americans have absolutely no claim thereto." ‡

This position was sustained by the argument, first that the fisheries belonged to Great Britain, and that it was as subjects of that crown that the Americans enjoyed it, and that in breaking the community between them, they and England relinquished all advantages they derived from the union ; but secondly, that if they had a previous right to the fisheries, they had virtually renounced it by the ninth article of their commercial treaty between France and the United States. §

* De Circourt, iii., 275.

† Versailles, July 13, 1779, Circ., iii., 266.

‡ "Il résulte de là que la pêche sur les côtes de Terre-Neuve, de la nouvelle Ecosse et ses dépendances, du Canada, etc., appartient exclusivement aux Anglais ; que les Américains n'ont absolument rien à y prétendre," etc. Vergennes to Luzerne, September 25, 1779. De Circourt, iii., 276.

§ M. de Vergennes' language on this point is as follows : "L'Article 9 dit qu'ils ne pecheront point les havres, baies, criques, rades, côtes et places que le

Of the lands north of the Ohio, Vergennes wrote to Luzerne on October 14, 1782, pending the peace negotiations: "These lands," those bordering on Lake Ontario, "either belong to the savages or are a dependence of Canada. In neither case have the United States a right to them. But I am aware of the extravagant pretensions current in America. According to the Congress, the Charters emanating from the British Crown extend the dominions of America from the Atlantic to the Pacific. Such is the system proposed by Mr. Jay on the basis of his negotiations with Spain. Such an insane illusion (*un pareil delire*) is undeserving of serious refutation. Yet a confidential note has been placed in Mr. Jay's hands, in which note it is pretty well demonstrated that the boundaries of the United States south of the Ohio stop at the mountains following the water-shed, and that all that skirts that mountain, and particularly the lakes, has formerly been a part of Canada. All this, however, is meant for your eye alone." *

The note here referred to is that of Mr. Rayneval, dated September 6, 1782,† professing to give only his "personal ideas," but which Jay rightly regarded as the official views of Vergennes. It was addressed to Jay as the Minister authorized to treat with Spain, urging him not to offend the Spanish Minister by declining to treat with him till he produced his power, and sending a memoir on the claims of Spain, and the right of the States, which would have reduced our national territory to a narrow strip along the Atlantic, cutting off nearly the whole of the States of Alabama, Mississippi, parts of Kentucky and Tennessee, and the whole of the northwestern territory north of the Ohio, including the States of Ohio and Michigan, Indiana and Illinois, and Wisconsin, up to the eastern borders of Iowa and Minnesota. This line, reducing thus our territory to one-half of what we claimed, M. Rayneval tendered as a reasonable conciliation.

roi possède ou possédera à l'avenir. Or il est possible que sa Majesté fasse la conquête de Terre-Neuve et de Cap-Breton; dont les Américains ne pourraient point pêcher sur les côtes de ces deux îles," etc. Circourt, iii., 278.

* Circourt, iii., 288.

† Dip. Cor., viii., 155.

Of this note Jay said in his letter to Livingston: "The perusal of this memoir convinced me: First, that this Court would, at a peace, oppose our extension to the Mississippi; second, that they would oppose our claims to the free navigation of that river; third, that they would probably support the British claims to all the country above the thirty-first degree of latitude, and *certainly* to all the country north of the Ohio; fourth, that in case we should not agree to divide with Spain in the manner proposed, that then this Court would aid Spain in negotiating with Britain for the territory she wanted, and would agree that the residue should remain to Britain.

"In my opinion it was not to be believed that the first and confidential secretary of the Count de Vergennes would, without his knowledge and consent, declare such sentiments and offer such propositions, and that too in writing. I therefore considered M. Rayneval as speaking the sentiments of the Minister, and I confess they alarmed me, especially as they seemed naturally to make a part of that system of policy which I believed induced him rather to postpone the acknowledgment of our independence by Britain to the conclusions of a general peace, than aid us in procuring it at present." *

The letters of M. de Vergennes show an instruction to Luzerne to depict to the Americans "the priceless advantages which their close alliance with France has already procured and will further insure them, and in the enjoyment of which France alone can maintain them."

VERGENNES' DONATIONS TO AMERICAN AUTHORS.

This sort of teaching, and the idea that whatever concessions might be granted them by England could only be secured through the influence of France, served as a basis for a suggestion on the part of the Minister of France that the Commissioners of Peace should be instructed by Congress to be guided absolutely by the Minister of France. To impress

* Dip. Cor., viii., 160, 161.

this view upon Congress and the people, the Government of France deemed it proper to supply their agent at Philadelphia with money with which to influence the American press.

Vergennes in the same letter to Luzerne * says: "His Majesty further empowers you to continue the donations (*les donatifs*) which M. Gerard has given or promised to various American authors, and of which he will surely have handed you a list." †

A note by M. de Circourt to this passage says: "'Temporary pecuniary assistance.' This delicate subject has been even in my time the subject of criticisms and controversies into which we need not enter."

The list of American authors thus assisted by Messrs. Gerard and de la Luzerne by "donatifs," and "Secours temporaires en argent," if preserved among the once confidential papers now open to inspection, should not be overlooked by the agents of our National Government in Paris, who may be charged to gather all useful materials for a national history that are to be found in the archives of France.

THE INSTRUCTION OF CONGRESS.

The history of the scheme to induce Congress to give to its Commissioners an instruction which made the King of France the arbiter of our destiny, combined with that of the unsuccessful efforts in Congress to retreat from that humiliating position, is one which no American can read with pride.

That error of Congress occurred when, as Mr. C. F. Adams has remarked, the tone of Congress had declined,‡ and when,

* September 25, 1779: Circourt, iii., 275.

† Perhaps a fact of this significance should be given in the original text, which reads as follows: "Sa Majesté vous autorise en outre à continuer les donatifs que M. Gérard a donnés ou promis à différents auteurs Américains, et dont ce dernier vous aura sûrement remis la note." Circourt, iii., 283.

‡ "The tone of Congress," says Mr. C. F. Adams, "had gradually become lowered. The people were suffering from exhaustion by the war, especially in the Southern States. . . . At the instigation of M. de la Luzerne, the words directing their Ministers 'to use their own judgment and prudence in securing

according to Bancroft,[†] one of the members, Sullivan, was in the pay of France. That error was redeemed by Commissioners who saw clearly the perils to which Congress was blind, and who broke their instructions as unsuited to the situation and dangerous to the honor and interests of the country.

But the question remains, How came Congress to yield to the blandishments of the French Minister, and to intrust the future strength and glory of the United States, the just fruits of their war with Great Britain, to the will of the King of France, knowing as they did his close relations and family alliance with his uncle of Spain—a power persistently and bitterly opposed to us?

Why did not Congress see that the instruction which subjected the Commissioners to French control, and made the King the master of the terms of peace, was an abdication of national sovereignty, stripping them of all power and dignity as the representatives of an independent nation, and a breach of faith to the American people?

Bancroft in part only explains the mystery when he says: "The necessity of appeals to France for aid promoted obsequiousness to its wishes. He that accepts subsidies binds his own hands and consents to play a secondary part."[‡]

There were men in Congress and in the army perfectly ready to accept aid from France as our ally in the war, but not to surrender to her in return the right to protect the national honor. Another explanation is attempted by Mr. Madison, in his account of the adoption of the instructions by

the interests of the United States,' were erased, and the words 'ultimately to govern themselves by the advice and opinion of the French minister,' were introduced as amendments. The decision showed the influence of Massachusetts to be on the wane. Even New Hampshire, under the guidance of John Sullivan, deserted her. . . . The attitude of Virginia was no longer what it had been. . . . The pressure of the war was upon her, and she consented to the greatest humiliation of the national pride recorded in the nation's annals. Even those members who voted for it felt ashamed, and repeatedly attempted to expunge it afterward; but the record, because once made, was permitted to remain by those who offered nothing to excuse it."*

[†] Bancroft's Hist., x., 452.

[‡] Ibid., 212.

* Adam's Works, i., p. 341.

which the negotiations were submitted to the counsel of France,* when he said :

"It was added that, as it was expected nothing would be yielded by Great Britain which was not extorted by the address of France in managing the mediation, and as it was the intention of Congress that their Minister should not oppose a peace recommended by them and approved by France, it would be good policy to make the declaration to France, and by such a mark of confidence to render her friendship the more responsible for the issue."

It appears from the journal of Congress, that Luzerne advised the committee of Congress that when negotiations were entered into, "the King would most readily employ his good offices in support of the United States *in all points relating to their prosperity*," and a committee repeating these words reported that "Congress placed the utmost confidence in his Majesty's assurances."

The adoption by Congress of the instructions to their Commissioners persistently dictated by the Minister of France was not simply, as Mr. Madison admitted,† a national humiliation—a sacrifice of the national dignity, as was said, to national policy—but it was, in fact, a sacrifice of the national interests as well as of the national dignity. Whatever temporary identity of national interest there might have been between the United States and France during the war, upon the single point of American independence from the English crown—the Americans desiring it for one reason and France for another—there could be no permanent identity of interest between them in regard to the future of America as an independent power, but rather that decided and permanent difference, which would naturally result from the antagonism of their principles, and the variance of their conditions and general policy.

When Vergennes said it was far from their desire that the Republic should be the sole mistress of this vast conti-

* Rives' Madison, i., 334, quoting Madison's Debates, i., 240, 243.

† The Thompson papers, Collections of the N. Y. Hist. Soc. for 1878, pp. 96 and 97.

ment, he spoke the truth; and when, to secure the aid of Spain, he agreed to acquiesce in her schemes for abridging the territory and resources which would give us national dignity and national strength, and to surround us with antagonistic powers combined to prevent our extension and to subject us to their control, he adopted a course not at all in disaccord with the dynastic interests, the family compacts, and the balance of power system which made part of the policy of France.

Congress made the further mistake of believing the assurances of Luzerne, that France was not only ready to do all in her power to secure and advance the prosperity of America, but that she alone could induce England to grant us the terms we desired, and that without her great assistance in the negotiation we would be helpless.

France, on the contrary, occupied a position toward England, in reference to the colonial dispute, which made it a matter of pride and self-respect with high-spirited Englishmen, to repel the smallest interference on the part of France in the final negotiations with America.

When Austria and Russia proffered their mediation,* in 1781, the Court of London declined it with the remark: "On every occasion in which there has been a question of negotiation since the commencement of the war with France, the King has constantly declared that he could never admit in any manner whatsoever, nor under any form, that there should be any interference between foreign powers and his rebellious subjects." It was the "scornful refusal by England of any mediation in which the revolted colonies should be included, which," in the words of Shelburne's biographer, "had finally alienated her from the Continental powers and left her bereft of every friend and ally." †

If that was the feeling toward powers which had been neutral, why should it not have been still stronger against all dictation or interference touching the terms of peace, by the

* Dip. Corr., xi., p. 42.

† Shelburne's Life, iii., 166.

power which had espoused the cause of the Colonies, and assisted in the establishment of their independence.

This fact Vergennes seemed, in part at least, to recognize and accept, when he disclaimed all intention to interfere with the separate character of the American negotiation, and when he instructed Rayneval to declare that he had no authority to treat of American questions, unless indeed in the suggestion to postpone the discussion of the boundaries, and that was suggested simply on the plea of avoiding delay.*

VERGENNES AND LECKY ON THE AMERICAN ARTICLES.

The surprise of Vergennes at the terms obtained by our Commissioners by rejecting his counsel and acting as the representatives of an independent people, was shown by the letter to Rayneval, already alluded to, that the English had bought a peace rather than made one : that indeed, the concessions as well in regard to the boundaries, the fisheries, and the loyalists, exceeded all that he could have believed possible." †

While the great diplomatist of France placed on record a hundred years ago that involuntary tribute to the sound policy, the masterly management and the marvellous success of the American negotiators, the latest of the English historians, who has studied the subject of the general peace by all the light afforded by the secret correspondence published by Bancroft and Circourt, thus pronounces his impartial judgment.

Speaking of the policy of France, Mr. Lecky says : " If

* The Instruction pour le Sieur Gérard de Rayneval, signed " Louis, par le roi, Xavier de Vergennes," dated November 15, 1782, said : " Il tâchera d'engager le ministère britannique à renvoyer au traité définitif ou à des commissaires les discussions des limites qui arrêtent la négociation entre les commissaires anglais et américains " (De Circourt, iii., 41. 42).

† Vergennes to Rayneval, Versailles, December 4, 1782 : " Vous y remarquerez que les Anglais achètent la paix plutôt qu'ils ne la font. Leurs concessions, en effet, tant pour les limites que pour les pêcheries et les loyalistes, excèdent tout ce que j'avais cru possible. Quel est le motif qui a pu amener une facilité que l'on pourrait interpréter par une espèce d'abandon ? " M. de Vergennes à M. de Rayneval, Versailles, 4 Décembre 1782. De Circourt, iii., p. 50.

Vergennes' policy had been carried out it seems clear that he would have established a claim for concessions from England by supporting her against America on the questions of Canada and the Canadian border and the Newfoundland fishery, and that he would have partially compensated Spain for her failure before Gibraltar by obtaining for her a complete ascendancy on the Mississippi. The success of such a policy would have been extremely displeasing to the Congress, and Jay and Adams defeated it. Franklin very reluctantly acquiesced in the secret signature. Livingston, writing from America, strongly blamed it, and expressed his conviction that the suspicions were unfounded. But the act was done. And if it can be justified by success, that justification at least is not wanting. . . . It is impossible," continues Lecky, "not to be struck with the skill, hardihood, and good fortune that marked the American negotiation. Everything the United States could, with any shadow of plausibility demand from England they obtained, and much of what they obtained was granted them in opposition of the two great powers by whose assistance they had triumphed. The conquests of France were much more than counterbalanced by the financial ruin which impelled her with giant steps to revolution. The acquisition of Minorca and Florida by Spain was dearly purchased by the establishment of an example which before long deprived her of her own colonies. Holland received an almost fatal blow by the losses she incurred during the war. England emerged from the struggle with a diminished empire and a vastly augmented debt, and her ablest statesmen believed and said that the days of her greatness were over. But America, though she had been reduced by the war to almost the lowest stage of impoverishment and impotence, gained at the peace almost everything that she desired, and started with every promise of future greatness upon the mighty career that was before her." *

* *History of England in the Eighteenth Century*, by William Edward Hartpole Lecky, vol. iv., p. 284. New York, D. Appleton & Co. 1883. A volume whose admirable history, both of the war and the peace negotiations, especially commend it to American readers.

THE SCHEME OF THE AMERICAN GOVERNMENT FOR GATHERING MATERIAL FOR THE NATIONAL HISTORY.

The injustice so long done to the American Commissioners, the fictions asserted and believed through the adoption as historic facts of assertions and theories, have taught us, by a sharp lesson never to be forgotten, the necessity of supplementing our own records of the times of the Revolution with the confidential records of European diplomacy. Among the memorable acts of President Hayes' administration was the scheme inaugurated by Mr. Evarts, as Secretary of State, for securing from the archives of every State in Europe, whatever they might contain deserving a place among the materials for our national history.

The work which this State, under the auspicious influence of this Society, has done for New York by the able hands of Brodhead and O'Callaghan, in gathering our colonial records from England, France, and Holland, President Hayes and his Cabinet proposed to do for the nation in regard to the peace negotiations. Under President Garfield and Secretary Blaine, it made satisfactory progress in the obtaining of the ready and courteous consent of European governments. Let us hope that under President Arthur and Secretary Frelinghuysen it will be brought with all the aid that may be required from Congress, to a successful completion. No work could be regarded with more of interest and respect, not simply by the intelligent people of America, but by historic students of other lands.

If there is no special objection to such a step, might not occasional reports from the State Department of the progress of the work at the various Courts which have consented to the plan, apart from their interest for the American people, have a certain advantage in bringing to the Government the advice and assistance of historical students? And is it not possible that a large share of the labor of such a Guest in Europe may be spared by an inquiry as to the wealth in MSS. copied from European archives in our own libraries? That

of Mr. Bancroft, for instance, would furnish a mass of historic papers selected and copied under his own supervision, the regathering of which abroad might cost months, if not years of the labor of experts, and possibly, since the discussion of the unfriendly policy of France and Spain disclosed by the secret correspondence, the copying of important documents may be occasionally restricted.

The national importance of the confidential correspondence already published can hardly be overrated. If Jay, when Oswald's first commission was approved by Vergennes, had assented to the view of his venerable and cautious colleague—that they were bound by the instruction of Congress, an instruction which declared, "You are to make the most candid and confidential communication upon all subjects to the Minister of our generous ally the King of France; to undertake nothing in the negotiation for peace or truce without their knowledge and concurrence; and ultimately, to govern yourselves by their advice and opinion"—it is now clear, from the development of the French policy, and the obligations of the King to Spain to do what he could to enforce that policy, that the consequences to the United States would have been most humiliating and disastrous.

After the lapse of a century we can review with the impartial eye of history the whole transaction, where the American Commissioners,† occupying their modest apartments amid the splendors of the French capital, encountered the most accomplished of the trained diplomatists of Europe; discovered by their intelligence and defeated by their courage and wisdom, the plans which had been so long and so carefully elaborated for the reduction of America to narrow limits and a subordinate position, hemmed in and controlled by a combination of the powers of Europe. We can compare even without the aid of a map the magnificent territory secured to us by the peace, and that allotted to us by the "conciliation

* Dip. Cor., x., p. 76.

† Mr. Laurens joined them only on the last day before the signing of the Provisional Articles.

line," proffered by Vergennes through Rayneval, and enforced by Vergennes in his secret correspondence, a line which would have cut off our great Northwest Territory, with part of Kentucky and Tennessee, and nearly the whole of Alabama and Mississippi, excluding us alike from the Lakes, the Gulf, and the Mississippi. The narrow limits assigned for us were to be "detailed and circumscribed," so reads the French memoir, "with the greatest exactness, and all the belligerent powers must bind themselves to prevent any transgression of them." England, Spain, France, and Holland were to unite "to stop us by force at the first infraction of these limits, and the first attempt toward extending beyond them."

The historic facts now disclosed show the completeness of the success of the American Commissioners in suddenly reversing the position of subserviency, in which they were placed by their instructions—in declining to treat as colonies or plantations, assuming a position of sovereign dignity and independence, and compelling its recognition—quietly separating their counsels from the unfriendly and disingenuous policy of France, appealing directly and successfully to the better judgment and truest interest of England, and thus overthrowing the hostile schemes so carefully elaborated at Madrid, at Paris, at Philadelphia, to make the United States a feeble power, easily controlled by the European States, and suddenly startling the world by the Provisional Articles which were to secure its dignity and its greatness at once and forever.

It was natural that Vergennes, that famous master of European diplomacy, who had pronounced the American views an insane delusion, on seeing those views recognized by England and reduced to practice, should declare to his confidential secretary his amazement, with the frank declaration that the terms exceeded anything he could have believed possible.

The later tribute of Mr. Lecky, so striking in its expressions, has been paid after the learned author had read the grave disclosures of the French correspondence. But some of the ablest diplomatic writers of America, before those

proofs had been disclosed of the correct judgment of the commissioners, and when still influenced, perhaps insensibly, by the common belief that Jay and Adams had been unduly suspicious and had perhaps exaggerated a little the unfriendliness of the French policy, have nevertheless been profoundly struck with the "uncommon address" and extraordinary skill with which the negotiation was managed from the first day to the last, evolving from individual differences the highest wisdom and united action, and accomplishing results which Vergennes had deemed impossible, with the quiet tact, the calm courage, and the lofty faith, which fitly mark the concluding act of the War of the Revolution.

Touching the work thus accomplished, unitedly and with perfect harmony, it has been attempted to fix upon the Commissioner, on whom rested the chief responsibility, charges of groundless suspicion, of blundering disobedience to instructions, of national discourtesy, and even bad faith. Such have been the allegations or insinuations against Jay from the publication of Dr. Sparks' note * in the official volumes of the "Dip-

* While the refutation of Dr. Sparks' statement touching the character of the correspondence of Vergennes and his agents is complete, and the correspondence shows that the mind of Jay in its reading of their policy was not weak and suspicious, but rather, as Prescott says, "eminently calm and judicious," * there would seem to be room for the personal friends and representatives of Dr. Sparks to explain, should his papers throw light upon the subject, how he came to be deceived, and by whom he was persuaded that the papers shown him as the complete correspondence of Vergennes with his agents, contained none of the numerous letters now published, which exhibit their hostility to the American claims and the methods resorted to to defeat them.

It is true that Mr. Sparks, in editing his "Life and Writings of Washington," seemed to exhibit an uncommon and rather extravagant idea of the rightful powers of an editor, when he assumed to make in the text of "Washington's Writings," without notice to the reader, alterations which he claimed to be "verbal or grammatical," but which by others were regarded as "an unwarrantable liberty with the text, altering, omitting, and adding, as might suit his caprice, and that for the purpose of conforming the work to his own standard of taste." These were liberties which induced Lord Mahon to remark, although Dr. Sparks denied the justice of the criticism, that he had "tampered with the

* Prescott's *Diplomacy of the Constitution: An Historical Study*, pp. 122, 123.

lomatic Correspondence" to the present year, and in obedience to the request of this venerable Society, when they said, "We trust you will not be reluctant to render this service to history in setting forth the fair record of so great a son of New York in connection with so great an event," I have presented this narrative of historic facts, including some of profound importance, from the confidential records from London and Paris.

After the publication of these records, of which occasionally we have only extracts, and also of those which the other governments of Europe consented to furnish from their archives at the request of Garfield—and their publication with translations should not be delayed lest the favorable opportunity be lost—the history of the peace negotiations will be expanded, in volume and in interest; but we may rest assured that nothing will appear to throw doubt upon the correspondence of Vergennes, for whose authenticity we have the voucher of Mr. Bancroft, and which discloses the character and reasons of the policy of France.

There may, perhaps, be properly recalled here the testimony of Franklin to the advantage brought to the negotiation by Adams and Jay, and the generous tribute borne by Adams in his diary to the youngest of the negotiators—for the age of Jay at this time was thirty-seven, that of Adams forty-seven, and that of Franklin seventy-six.

"I have not," said Adams, "attempted in these notes to do justice to the arguments of my colleagues, all of whom were throughout the whole business very attentive and very truth of history."* But in this case the question has become one not of opinion, but of simple fact.†

* Dr. Sparks' reply to Lord Mahon, pages 5, 6.

† The statement of Dr. Sparks, in his *Life of Franklin* (vol. i., p. 456), was as follows: "The violation of the instructions by the American Commissioners in concluding and signing their treaty without the concurrence of the French Government was the more unjustifiable on account of the fidelity with which the French Minister adhered to the spirit of those instructions with reference to the United States, in negotiating their treaty with England."

In a note to page 452 Mr. Sparks said: "Indeed, there is no fact in history which is now more susceptible of complete demonstration than that the suspicions of the American Commissioners on this occasion were utterly without foundation; that the French Ministry, so far from interfering or meddling with the negotiation, kept wholly aloof from it. . . . The direct proofs of these facts are abundant; whereas the suspicions of the Commissioners are sustained by no other evidence than that of circumstances, inferences, conjectures, and deceptive appearances."

able, especially Mr. Jay, to whom the French, if they knew as much of his negotiations as they do of mine, would very justly give the title with which they have inconsiderately decorated me, that of '*Le Washington de la Negociation*,' a very flattering compliment indeed, to which I have not a right, but sincerely think it belongs to Mr. Jay."

Not less pronounced was the testimony of Lord St. Helens, the Mr. Fitzherbert of the negotiations, who was made by his Government the adviser of Mr. Oswald,* and who knew from first to last its secret history, both at Paris and in London. This gentleman wrote to Sir George Rose, in 1838, in returning the two volumes of "*Jay's Life and Writings*:" "These memoirs are indeed highly deserving of further attention on both sides of the Atlantic, and as you justly foresaw, particularly interesting to myself from my intimate acquaintance and political intercourse with Mr. Jay when we were respectively employed at Paris in 1782; and I can safely add my testimony to the numerous proofs afforded by these memoirs that it was not only chiefly, but solely through his means that the negotiations of that period between England and America were brought to a successful conclusion."† A mar-

* Fitzherbert to Shelburne, August 17, 1782, speaking of Oswald: "Our departments, though nominally distinct and separate, are in fact most connected and interwoven with each other. . . . The extensive and almost universal knowledge he is possessed of," etc.

† Mr. Henry Flanders, by whom this passage is given (*Flanders' Chief Justices*, i., p. 351) from MS. furnished him by my father, remarks in a note: "Lord St. Helens doubtless attributed the favorable conclusion of the treaty to Jay's inflexible determination to proceed separately in the negotiation, and not conjointly with the French."

Mr. Madison, who had voted for the Congressional instructions to the Commissioners and who warmly disapproved of their violation, in writing to Secretary Edmund Randolph, thus sententiously, in the words of his biographer, "summed up the parts of the different actors" (March 18, 1783: *Madison's Debates*, i., 518; *Rives' Madison*, i., 362): "In this business Jay has taken the lead and proceeded to a length of which you can form little idea. Adams has followed with cordiality. Franklin has been dragged into it. Laurens in a separate letter professes a violent suspicion of Great Britain and good-will and confidence toward France."

Mr. Parton, in his *Life of Franklin* (ii., p. 488), says: "In truth, Mr. Jay's determination was such that there was no choice left to Franklin but to withdraw from the Commission or let him have his way. 'Would you break your

ginal note of Lord St. Helens on the French question and the Marbois letter said: "The sequel of this narrative, which is perfectly true throughout, will show that this important disclosure of the machinations of France led to the immediate conclusion of the Provisional Treaty," etc. Another marginal note * on the propositions of France, by Rayneval, for enlarging the limits of the French fisheries, remarks that "in the course of their discussion M. de Vergennes never failed to insist on the expediency of a concert of measures between France and England for the purpose of excluding the American States from these fisheries lest they should become a nursery for seamen." † What Vergennes and Rayneval thought of the Provisional Articles, which so completely overthrew the plans they had pursued with such secrecy, dexterity, and confidence, we already know from their remarkable letters; and there is a remark about Jay in a letter to Luzerne ‡ which, following as it does the secret correspondence disclosing the combination and the schemes of the two great powers which Jay, while acting singly and alone, had detected and defeated, is a tribute not to be overlooked. Alluding to a report that Doctor Franklin had asked to be recalled, M. de Vergennes wishes Congress may reject the demand, at least for the present, "for it would be impossible to give Mr. Franklin a successor so wise and so conciliating as himself. Besides, I should be afraid lest they should leave us Mr. Jay; and this is the man with whom I should like least to treat of affairs."

Mr. Trescott, in his thoughtful and philosophical paper on the subject, remarked that in the proud circle of famous instructions? Franklin asked him one day. 'Yes,' replied Jay, taking his pipe from his mouth, 'as I break this pipe;' and so saying threw the fragments into the fire." Mr. Parton quotes as authority for this anecdote, *Diplomacy of the United States*, i., 121.

* To Jay's Life, i., 149.

† The New York Review for October, 1841, p. 307, says that "to Jay in chief belonged the merit of saving the fisheries is clear," and quotes John Adams as writing to Jay from the Hague, April 2, 1786: "You have erected a monument to your memory in every New England heart;" and Hamilton to Jay, July 25, 1783: "The New England people talk of making you an annual fish offering."

‡ Vergennes to Luzerne, July 21, 1783.

warriors and great civilians which illustrates the history of the United States, none should stand in brighter light than the diplomatists of the Revolution, and in a single paragraph he alluded in turn to each of the negotiators of the Treaty of Peace.

"The very variety of their characters adapted itself to their necessities, and if the deferential wisdom of Franklin smoothed the difficulties of the French treaty, the energetic activity of Adams conquered the obstacles to the alliance with Holland, and the conduct of the negotiation with England was guided by the inflexible firmness of Jay."

The comparison drawn by Lecky of the results of the general pacification to France, Spain, and the United States enforces the remark of Ségur, applicable alike to politics and diplomacy, that "the true dexterity is a courageous good faith, and character saves men from the dangers on which subtlety makes shipwreck." Never was diplomacy more subtle than that of France and Spain toward America and her too trustful Congress; never was true dexterity and courageous good faith more marked than in the breaking of the Congressional instructions, and the refusal to negotiate excepting on an equal footing as a free and independent power. Nor is it without significance that the signing of the articles which gave us all of which Spain sought to deprive us, lost to Spain her coveted Gibraltar.

Looking at the restricted *rôle* which France and Spain proposed that we should play, and then at the boundaries which the confidence reposed in us by Shelburne and his cabinet assisted us to secure, perhaps no finer illustration can be found in history of the truth of the saying of the late Lord Clarendon, that "the one special art required in diplomacy is to be perfectly honest, truthful, and straightforward."

THE PART BORNE BY SHELburnE.

As the concluding act in the long connection between England and the thirteen colonies, and one looking not simply to an end of strife, but to mutual interests and a well-founded and permanent friendship, it was a treaty worthy of

both countries, and entitles the name of SHELburne to the lasting regard of the two peoples.

Shelburne, happily, escaped the treatment awarded to Jay and Adams by some of the writers who perhaps unconsciously have misrepresented facts, caricaturing the peace negotiations : with a jumble of the characters, a reversal of the parts, and so complete an ignoring of all duty to the honor and interests of America, that Jay has been reproached with having disregarded the advice and wishes of France, and having declined to concede the demands of Spain, while Adams has been accused "of aiding and abetting" Jay in disappointing the plans of these powers. Still but moderate justice was awarded to Shelburne in the Parliamentary debates on the Provisional Articles, by the captious orators of the coalition, including men as notable as Burke and Sheridan. Burke, in a tone little in accord with that which marked his immortal speech on "Conciliation with America," declared that the Articles were so degrading as to merit obliteration, if it were possible to effect it, out of the history of England ; while Sheridan declared that the treaty relinquished everything that was glorious and great in the country.

The chief charge against Shelburne, that of abandoning the American loyalists, was unjust ; as he pressed their claim to the utmost, threatening to continue the war if it was not yielded, until he found that neither the Commissioners nor Congress had the power to guarantee it. The further charge of sacrificing the interests of England by conceding too extensive boundaries is unsustained by the verdict of impartial history. The world recognizes at last the far-sighted and enlightened statesmanship that attempted at the peace to atone in part for the mistaken policy of the war ; that declined to listen to the narrow policy of France and Spain for keeping our Republic in a condition of dependency on Europe, and, stimulated perhaps by the clear motive of that policy, granted the boundaries and the fisheries with a generosity which puzzled Vergennes and seemed like a dream to Rayneval, but which was wisely exercised to increase the stability and prosperity of the Republic, to make it thoroughly independent

of the powers of Europe, and to promote a lasting reconciliation and friendship between America and England.

It has been said by the late historian, Mr. Green: "England is only a small part of the outcome of English history. Its greater issues lie not within the narrow limits of the mother island, but in the destinies of nations yet to be. The struggles of her patriots, the wisdom of her statesmen, the steady love of liberty and law in her people at large, were shaping in the past of our little island the future of mankind. At the time, however, this work first became visible in the severance of America, the wisdom of English statesmen seemed at the lowest ebb."

Few of them, while mourning the independence of the thirteen colonies with their familiar names and historic memories as an irreparable loss, and declaring, as did some of their greatest men, that the glory of England was extinguished forever—few of them remembered that England had been conquered by the love of liberty and constitutional right which her American children had inherited from herself, and that with the recognition of the independence of the American Republic began the proud career of England as the Mother of States.

The policy of Shelburne in rejecting the overtures of France and Spain and looking to the friendship of America was a policy worthy of the minister on whom it devolved to end the war of the Revolution: a policy which recalls the advice given long before by Tucker the Dean of Gloucester, and Adam Smith, to let the colonies depart to form their own destinies, England retaining only the right, like other nations, of connecting herself with them by treaties of commerce or of alliance.*

Americans may well remember with honor Shelburne, Oswald, and Fitzherbert: Townsend, Pitt, and Grantham: and Englishmen, as they read the history of the Peace, may thank God that the British Cabinet rejected the advice of France and Spain, and gave a fair hearing and a just confidence to the American Commissioners.

* Tucker's Political Tracts, quoted by Lecky, i., 423.

I need scarcely remind you that the Marquis of Lansdowne, our new neighbor in Canada, the successor of Lord Lorne as Governor-General, is the grandson of the Shelburne who reposed so just a confidence in the American Commissioners; and when his Excellency shall favor us with a visit, he will find that Americans have not forgotten the honorable part borne by his illustrious ancestor in the peace negotiations.

Looking to the colonial union of England and America in the past, and to their international relations in the future, it may be a matter of common pride that no disappointment or humiliation marred the dignity with which the United States took their place in the old and venerable circle of nations. The Republic entered, in the words of Prescott, "Calmly as conscious of right, resolutely as conscious of strength, gravely as conscious of duty."

It may not be amiss to allude in closing to the fact that Jay bore explicit testimony* to Franklin's fidelity to the American claims to the fisheries and the boundaries; that their friendship was not disturbed by their difference of view touching the designs of France or their own duties as Commissioners, and that Jay was appointed by Franklin one of the executors of his will.

The friendship also of Jay and Adams continued to the close of their lives; and their occasional correspondence, sometimes evoked by historical misstatements touching the events in which they had been engaged, was marked by the warmest feeling of regard. "The sight of your handwriting and your name," wrote Adams to Jay, from Quincy, March 6, 1821, "is to me a cordial for low spirits."

To us who, looking back over the century, have traced the

* Jay to Franklin, Passy, September 11, 1783: *Jay's Life and Writings*, ii., 126. Mr. Benjamin Vaughan, in a letter to the late Peter Augustus Jay, dated January 7, 1830, said: "When at your father's, about twelve years ago, I asked him in the presence of President Kirkland, my cousin Mr. Robert Halliwell Gardiner, of Maine, and my son Petty, whether Doctor Franklin had ever given him reason to doubt of his sincerity in the negotiation, and he answered with almost a convulsive promptness, 'Oh, no!' This, I think, proves that they finally thought pretty much alike."—MS. belonging to Miss E. C. Jay.

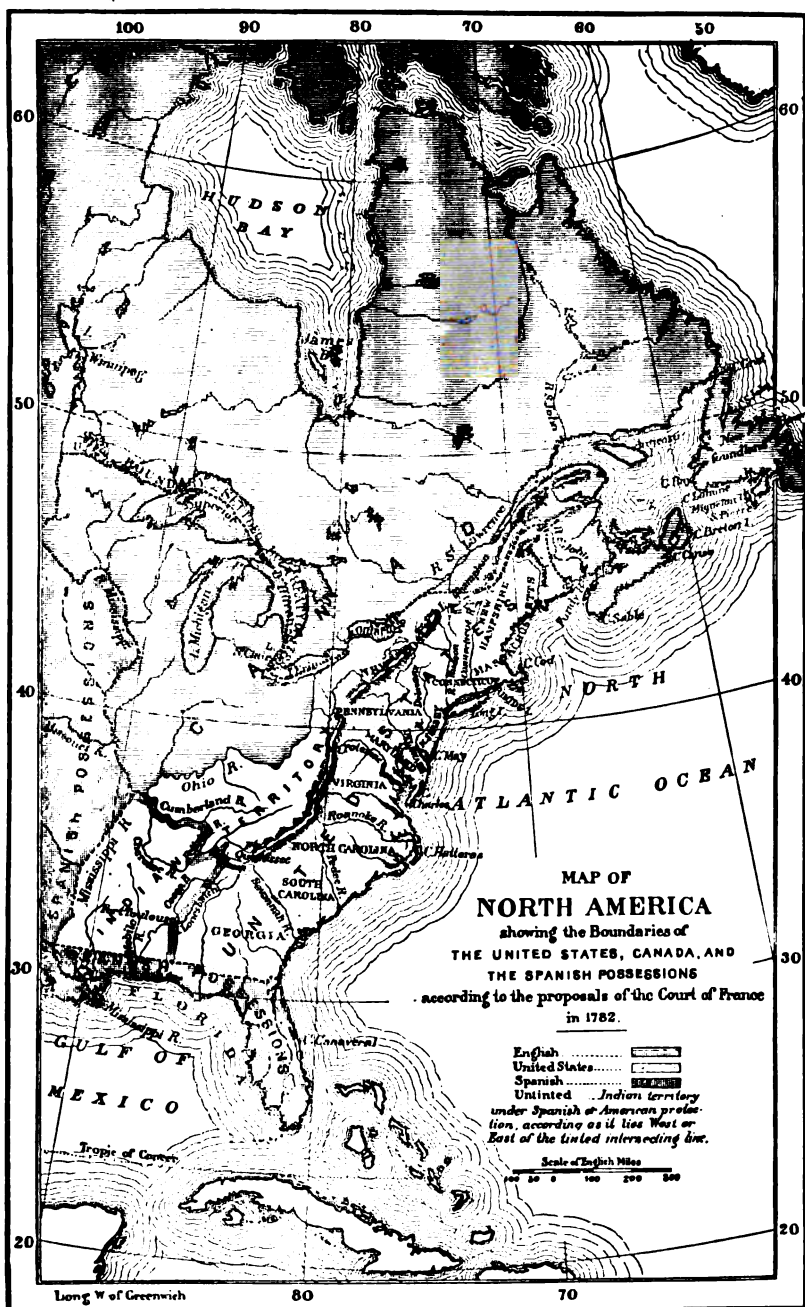
outline of the peace negotiations and marked the dangers that were discovered and avoided, those negotiations, as read by the light of the records of all the players in that game of nations, will more than ever occupy a chief place among the picturesque and heroic incidents of the Revolution which for seven years have been rehearsed before us.

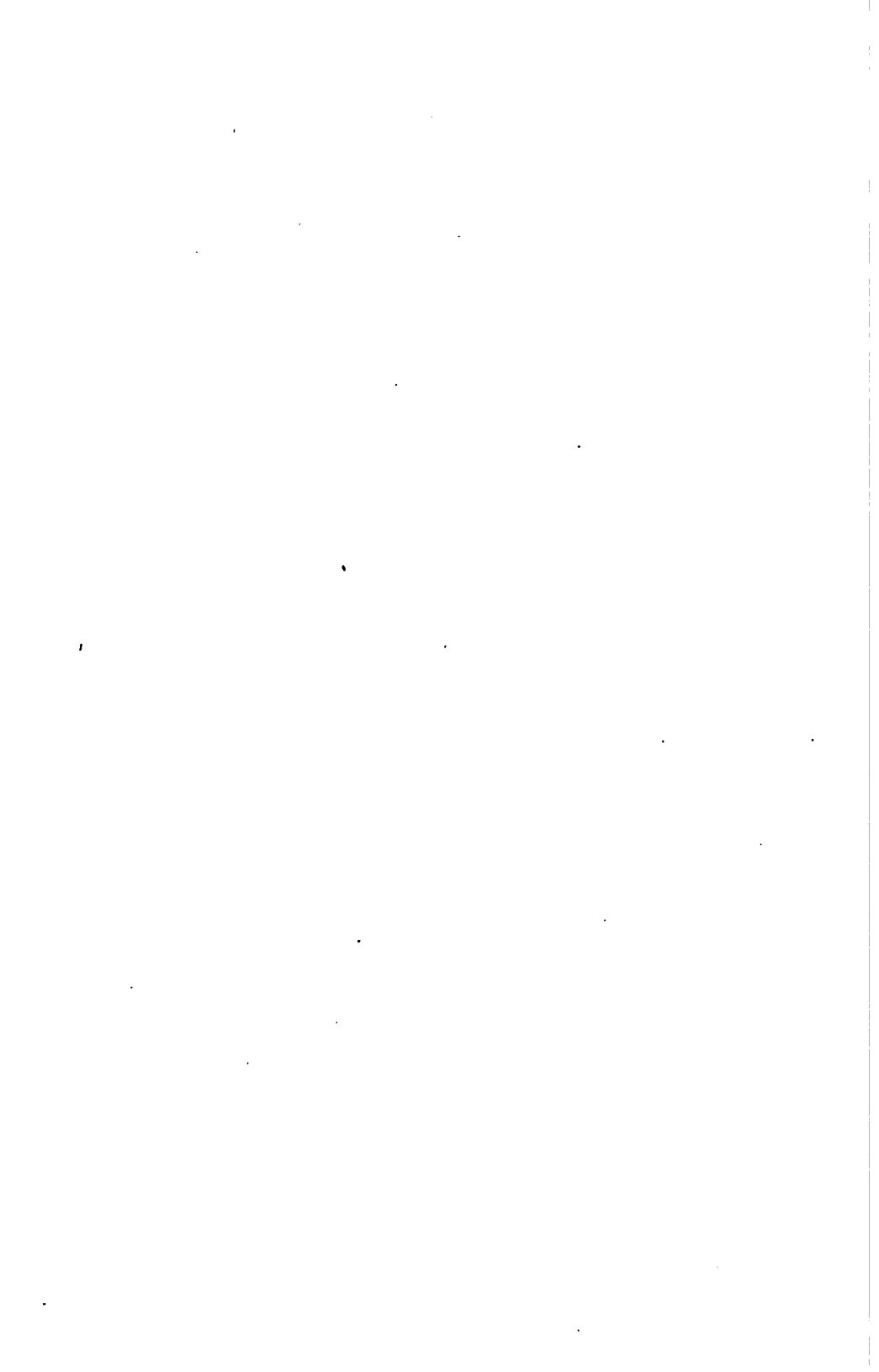
As illuminated by the skilful pens of Vergennes and Montmorin, Gérard, Luzerne, and Rayneval, the story grows in interest as it exhibits on the one hand, in this chapter of diplomacy, the subtle *finesse* of European Courts, and on the other that early American spirit, with its cool courage, its self-reliance, its fearless reflection, its sturdy faith, and practical energy which in our centennial year was so admirably developed before this Society.

While the generations of that day have passed with children and grandchildren into the spirit-land, that early American spirit, thank God, still lives. It lives to remind us that the imperial Republic which they founded is in our keeping to-day, and that we may gather from their example courage, firmness, and faith for the solution of every problem at home or abroad that shall threaten the honor or the welfare of our country.

NOTE.

THE length of the Address compelled some omissions in its delivery. The map opposite, "showing the boundaries of the United States, Canada, and the Spanish Possessions according to the proposals of the Court of France," is copied from one given by Lord Edmond Fitzmaurice in his "Life of William, Earl of Shelburne, afterward first Marquis of Lansdowne, with Extracts from his Papers and Correspondence" (Vol. III., pp. 170. London: Macmillan & Co. 1876). The boundary line fixed by the Provisional Articles and the Definitive Treaty has been added in the copy. It shows the additional territory obtained beyond that awarded us by the French proposals, which shut us out from the Mississippi and the Gulf: including nearly the whole of the States of Alabama and Mississippi, the greater parts of Kentucky and Tennessee, and the whole of what was known as the "Northwestern Territory," north of the Ohio, embracing the States of Ohio, Michigan, Indiana, Illinois, Wisconsin, and part of Minnesota, together with the navigation of the Mississippi. Spain, disappointed in her plans, re-ceded to France, in 1800, the vast territory of Louisiana, which in 1803 we purchased from Napoleon for fifteen millions of dollars.





APPENDIX A.

DEFINITIVE TREATY OF PEACE

Between the United States of America and his Britannic Majesty.

IN the name of the Most Holy and Undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince GEORGE the Third, by the Grace of God King of Great-Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunebourg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c., and of the UNITED STATES OF AMERICA, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore ; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony : And having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris, on the thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great-Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly ; and the treaty between Great-Britain and France, having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, Esquire, Member of the Parliament of Great-Britain ; and the said United States on their

part, John Adams, Esquire, late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the state of Massachusetts, and Chief Justice of the said state, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esquire, late Delegate in Congress from the state of Pennsylvania, President of the Convention of the said state, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esquire, late President of Congress, and Chief Justice of the state of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

ARTICLE I.

His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

ARTICLE II.

And that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the north-west angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the source of St. Croix river to the Highlands; along the said Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into

lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water-communication between that lake and lake Huron; thence along the middle of said water-communication into the lake Huron; thence through the middle of said lake to the water-communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water-communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the

inhabitants of both countries used at any time heretofore to fish ; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) ; and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled ; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated ; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now

in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war ; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property ; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease : all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same ; leaving in all fortifications the American artillery that may be therein ; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

ARTICLE IX.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY, (L.S.)
JOHN ADAMS, (L.S.)
B. FRANKLIN, (L.S.)
JOHN JAY, (L.S.)

APPENDIX B.

THE VIEWS OF WASHINGTON AND HIS CABINET ON THE POLICY OF FRANCE IN THE PEACE NEGOTIATIONS.

AMONG the notable incidents that marked the administration and tested the temper and tact of Washington were the exhibitions of what Mr. Gibbs described as "the audacious insolence of Genet and the studied impertinence of his successor." The almost incredible note of M. Adet, the French Minister, which compelled on our part a frank review of the policy of France toward America, appeared during the Presidential canvass, and John Adams wrote (December 12, 1796): "Adet's note has had some effect in Pennsylvania and proved a terror to some Quakers, and that is all the ill effect it has had. Even the Southern States appear to resent it."*

It threatened the wrath of the French Directory if the American people did not pursue a course in accord with the wishes of France,† and some idea of its tone and charges, which could not be allowed to pass unnoticed, may be obtained from the note of its contents given in the index to the first volume of our "State Papers on Foreign Relations," which reads: "Reproaches, allegations against the United States of duplicity, weakness, partiality, insensibility to the claims of justice and honor, in the disregarding of their neutral obligations, . . . violating treaty stipulations," etc.

Hamilton's advice was explicit. He wrote to Washington:‡ "Let a full reply to M. Adet's last communication be made, containing a particular review of our conduct and motives from the commencement of the Revolution. Let this be sent to Mr. Pinckney to be imparted to the Directory, and let a copy of it, with other auxiliary statements of fact if necessary, be sent to the House of

* Adams' Works, I., 495.

† Gibbs' Memories of the Federal Administration, etc., 380.

‡ Hamilton to Washington, November 19, 1796: Hamilton's Works, I., 177.

Representatives. . . . The crisis is immensely important to the glory of the President and the interests of the country."

Washington said : * ". . . The French Government are disposed to play a high game. If other proof were wanting, the *time* and *indelicate mode and style* of the present attack on the execution exhibited in this labored performance, which is as unjust as it is voluminous, would leave no doubt as to the primary object it had in view."

Hamilton wrote to Wolcott : † "I thank you for the note sending me Adet's letter. The present is, in my opinion, as critical a situation as our Government has been in, requiring all its prudence, all its wisdom, all its moderation, all its firmness."

Washington's letter to Pinckney (January 4, 1797), while the despatch was in progress, exhibits the strongest anxiety that it should be unexceptionable and unanswerable, for the reason that "if there be the least ground for it, we shall be charged with unfairness and an intention to impose on or to mislead the public judgment. Hence, and from a desire that the statement may be full, fair, calm, and argumentative, without asperity or anything more irritating than the narrative of facts which express unbounded charges and assertions does itself produce, I have wished that the letter to Mr. Pinckney may be reviewed over and over again. Much depends on it as relates to ourselves and in the eyes of the world, whatever may be the effect as respects the governing power of France."

Among the charges, which were not only theatrical and untrue, but which were presented with an uncommon disregard of diplomatic propriety, was one of ingratitude. It complained that while "tender tears had trickled from every eye" when the American flag was unfurled in the French Senate, the American Government had "forgotten the services France had rendered" and had "thrown aside the duty of gratitude, as if ingratitude was a fundamental duty."

Of the letter of Pickering, Hamilton wrote to Washington ‡ approving the matter but criticising the style : "I have read with attention Mr. Pickering's letter. It is in the main a substantial and satisfactory paper. It will in all probability do considerable good in enlightening public opinion at home. It wants, however, that management of expression and *suavity in mode* which a man more

* Washington to Hamilton, Philadelphia, November 21, 1796.

† November 22, 1796.

‡ January 22, 1797.

used to diplomatic communication could have given it, and which would have been happy if united with other merits."

Before the letter reached Mr. Pinckney that minister had been ordered by the Directory to leave Paris,* and Mr. Pinckney wrote to the Secretary from the Hague, June 28, 1797: "Your letter to me of January 16th has been read not only by the members of the Legislature in France, but also by most of the officers of the Government. M. Ségur, who writes sometimes in our favor, wishes the case of gratitude had been treated more moderately; but it was absolutely necessary to answer the continual charges of ingratitude and perfidy, nor do I conceive it could have been done with greater mildness. To the thousand copies I directed originally to be distributed I have added five hundred more, as many of our consuls in the ports of France are writing for them, saying they have had a wonderful effect upon the minds of many persons both in and out of office who neither knew the facts nor were aware of the arguments used." †

WASHINGTON'S REVIEW OF THE FRENCH POLICY IN THE PEACE NEGOTIATIONS.

(American State Papers, vol. i., pp. 559, 576.)

Fourth Congress.

No. 118.

Second Session.

FRANCE.

COMMUNICATED TO CONGRESS JANUARY 19, 1797.

UNITED STATES, January 19, 1797.

Gentlemen of the Senate and of the House of Representatives:

At the opening of the present session of Congress I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered and was suffering extensive injuries in the West Indies from the cruisers and agents of the French Republic; and that communications had been received from its minister here which indicated danger of a further disturbance of our commerce by its authority, and that were, in other respects, far from agreeable; but that I reserved for a special message a more

* On December 28, 1796: King to Hamilton, February 6, 1797.

† Trescott's American Diplomatic History, 180.

particular communication on this interesting subject. This communication I now make.

The complaints of the French Minister embraced most of the transactions of our Government in relation to France from an early period of the present war, which, therefore, it was necessary carefully to review. A collection has been formed of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our minister at Paris, containing an examination of the notes of the French Minister and such information as I thought might be useful to Mr. Pinckney in any further representations he might find necessary to be made to the French Government. The immediate object of his mission was to make to that Government such explanations of the principles and conduct of our own as by manifesting our good faith might remove all jealousy and discontent, and maintain that harmony and good understanding with the French Republic which it has been my constant solicitude to preserve. A government which required only a knowledge of the truth to justify its measures could not but be anxious to have this fully and frankly displayed.

G. WASHINGTON.

EXTRACTS FROM THE LETTER OF SECRETARY
PICKERING TO MR. PINCKNEY, MINISTER AT
PARIS, DATED JANUARY 19, 1797,

*In Review of a Letter Addressed to Mr. Pickering by M. Adet, the
French Minister to the United States.*

Will the ministers of the French Republic never cease to reproach us with "ingratitude?" If, indeed, "France wrought," as well as "guaranteed," the independence of the United States, as M. Adet asserts, "at a time when she might, at the price of that very independence, have granted them less liberal conditions," our obligations are greater than we have hitherto imagined. But it is time that these claims to our gratitude were investigated and their extent ascertained. We have citizens yet alive who were actors and witnesses of the declaration of our independence, and of the efforts to maintain it, with their effects, prior to our treaty with France. But laying no stress on our own recollection or consciousness, we will resort to the testimony of France herself.

France, by her minister, Marquis de Noailles, having, in the

declaration of March 13, 1778, which I have already quoted, announced to the Court of London the treaty of friendship and commerce she had formed with the United States, and that to maintain the commerce of his subjects with them, which was the object of that treaty, his Most Christian Majesty had "taken eventual measures in concert with the United States of North America," that Court published a justificative memorial, to vindicate to the world the war she had determined to wage against France. In the "Observations" of the Court of France on this British memorial we find the following declarations on the part of France: "While the ambassador of England put the King's patience to the strongest proofs, and while the Court of London was constantly repeating denials of justice to his Majesty's subjects, at the same time that the British officers continued to desolate them on the sea, an event came to pass in America which essentially changed the face of things in that quarter of the world. This event was the defeat of the army under General Burgoyne. The news of this unexpected disaster, which arrived in Europe in November, 1777, astonished the British Ministers, and must have more sensibly affected them, as it overthrew the plan they had made for the reduction of the colonies."* The "Observations" then suggest that this great event induced, in the British Cabinet, the idea of conciliation with America, and of a coalition against the Crown of France in revenge for the supposed aid rendered by her to the United States, and to gratify "their most dear and constant wish—that of humbling France." "It was natural for the British Ministry, unable to subdue her colonies, to seek to be reconciled to them and to engage them to espouse her resentment. They might so much the more flatter themselves that they should succeed herein, as the proceedings of France with regard to American privateers, and especially the dislike the King had at all times manifested to any engagement with the Congress, must have given disgust and dissatisfaction to their deputies, and induced them, notwithstanding their well-known aversion, to seek, even in England, the safety of their country when they failed to find it in France."†

"The King, well informed of the plan of the Court of London, and of the preparations which were the consequence of it, perceived that no more time was to be lost if he would prevent the designs of his enemies. His Majesty determined, therefore, to take into consideration, at length, the overtures of the Congress."‡

* Observations, p. 60.

† Ibid., p. 64.

‡ Ibid., p. 66.

"The Commissioners from the United States proposed to the King a treaty of amity and commerce, and an alliance offensive and defensive by which his Majesty should engage not only to acknowledge simply and purely the independence of the United States, but also to guarantee and defend it by force of arms. The King ordered an answer to be given that he could indeed look upon the independence of the United States as existing, but that it did not belong to him to acknowledge it, because he had not any right to judge of it; neither could he guarantee it, as he did not intend to enter into a war for its support. His Majesty, in consequence, refused an offensive alliance, and confined himself to the treaty of amity and commerce. But as it was more than probable that the Court of London had formed the design of attacking France, his Majesty thought he ought to enter into an alliance with the United States eventual and purely defensive. The stipulations contained in this second treaty are, in substance, that if France should be attacked by the Court of London before the cessation of hostilities between that Court and its colonies, then the King and the United States should mutually assist each other against the common enemy; that the King should guarantee the independence and sovereignty of the United States; and that he should not lay down his arms till it should be acknowledged by Great Britain."*

Thus it is manifest that the United States were to be left still to fight their own battles, unless Great Britain should choose to increase the number of her enemies by attacking France, in which it would be as truly the interest of France as of the United States to make it a common cause.

"This last treaty remained secret because it was not in force at the time of concluding it; but that of commerce was notified at the Court of London March 13, 1778."† The first words of the notification are these: "The United States of North America, who are in full possession of independence," etc. The whole paragraph has been already quoted. The notification further expressed that "the King being determined to protect effectually the lawful commerce of his subjects and to maintain the dignity of his flag, his Majesty has in consequence taken eventual measures in concert with the United States of North America." The Court of London chose to consider this notification as a declaration of war, of which they accuse the King as being the author, and represent him as the

* Observations, p. 67.

† Ibid., p. 82.

violator of laws divine and human, etc., etc. "The act, however, which has drawn upon the King such odious imputations has for its foundation two incontestable truths: The first, that at the period of February 6, 1778, the Americans had the public possession of their independence; the second, that the King had the right to look upon this independence as existing without being obliged to examine the legality of it, and that no law forbade him to form connections with the Americans."

The "Observations," then reciting that the fruitless attempts of the colonies to obtain redress from their mother country in the mode of supplication had induced them to league together to maintain their privileges sword in hand, and soon after to publish the solemn act whereby they declared themselves independent, say: "This act, which is of July 4, 1776, induced the Court of London to give way to her resentment. She displayed her power to chastise the Americans and to reduce them by conquest. But what has been the fruit of these efforts? Have they not served to demonstrate to America, to all Europe, and to the Court of London herself, her impotence and the impossibility of her ever hereafter bringing the Americans again under her yoke?"* That she had given this demonstration to America is evident by the manner in which Congress received the conciliatory bills, hastily sent from the Court of London to America and communicated by Lord and General Howe. Congress were then uninformed of the treaties which their Commissioners had lately concluded at Paris. Yet, confident in the strength and spirit of their country, and of the inability of Britain to subdue it, they resolved, unanimously,† to reject these overtures for peace and conciliation and to hold no conference or treaty with any Commissioners on the part of Great Britain unless as a preliminary they withdrew their fleets and armies or in positive terms acknowledged the independence of these States.

Again: "It is sufficient for the justification of his Majesty that the colonies, which form a nation considerable as well for the number of their inhabitants as for the extent of their dominion, have established their independence, not only by a solemn declaration but also in fact, and that they have supported it against the efforts of their mother country. Such was in effect the situation of the United States when the King began to negotiate with them. His Majesty had full liberty of considering them as independent or as

* Observations, p. 73.

† Journals of Congress, April 22, 1778.

the subjects of Britain. He chose the first part because his safety, the interest of his people, invariable policy, and above all the secret projects of the Court of London imperiously laid him under the necessity." *

The secret projects here referred to were those of reconciliation on terms which might satisfy the United States and produce a reunion and coalition for the purpose of falling upon France. To avoid the risk of this combined attack, to avoid greater danger in future by preventing the possibility of uniting again the great portions of the British Empire, separated in fact, and thus essentially to diminish its power, were the avowed inducements with the Court of France to consider the United States as independent. Having stated these things, they ask "if there is a sovereign who, in the same situation with his Majesty, would not have imitated his example?" †

Again: "He [the King of France] had the right to consider as independent the confederate inhabitants of an immense continent who presented themselves to him with this character; especially after their ancient sovereign had demonstrated, by efforts as continual as painful, the impossibility of bringing them back to obedience." ‡

"To complete the justification of his Majesty, nothing remains but to examine whether what are called reasons of state could have determined his Majesty to connect himself with the Americans. To treat this question with all the clearness of which it is susceptible, the political interests of France must be viewed under two different relations: the first respects the other powers of Europe; the second respects Great Britain." §

"In treating with the Americans after they became independent, the King exercised the right inherent in his sovereignty, with no other view than to put an end to the predominant power which England abused in every quarter of the globe." The "Observations" then suggest that by this conduct the King has essentially watched over the interest of all the sovereigns of Europe, "by contributing to restrain a power which has always carried to excess the abuse of her resources." ||

The Court of London having charged the King of France with ambition and the project of demolishing the power of England by

* Observations, p. 77.

† Ibid., p. 78.

‡ Ibid., p. 82.

§ Ibid., p. 88.

|| Ibid., p. 89.

his engagements with the Americans, the "Observations" declare that "nothing more will be discovered in them [his engagements with the United States], on the most accurate scrutiny, than a diminution of this power—a diminution which England has herself provoked by a conduct the most unjust and most irregular, and which the tranquillity and happiness of Europe have for a long time required." *

"The most vigilant and consummate prudence could not devise adequate precautions against the enterprises of such a power ; so that the only means of being secured from it was to seize the opportunity of diminishing it." †

"It may then be truly said that on examination of the conduct of the King it was not only just and lawful, but even necessary, as well for the individual interest of France as for that of all Europe." ‡

I will trouble you with but one more extract from the justificatory "Observations" of the Court of France. "To deceive the other nations with regard to the real motives which have directed the conduct of the King, the British Ministry maintain that he entered into treaty with the Americans not because he feared the secret views of Great Britain, but because he foresaw that the Americans, defeated, discouraged, without support, and without resources, were about to return to their mother country, and that there was not a moment to be lost in reanimating and confirming them in their opposition. It was, without doubt, for the sake of this assertion that the British Ministry have thought it beneath the dignity of their sovereign to search for the period at which France formed connections with the United States. It might with greater truth be said that this research did not coincide with their plan of defence. The King is willing to spare the British Ministry a task so disagreeable and embarrassing by observing for them that the conversations which led to the treaties of February 6, 1778, were considerably posterior to the capitulation of General Burgoyne. Now, it is notorious that this event elevated the courage and the hopes of the Americans as much as it dejected the British nation, and principally the Court of London. If, then, the King has listened to the propositions of Congress after this period, so disastrous to the British, it has not been, and could not have been, for any other reason but because he thought, with the United States, that their independence was thenceforward irrevocable." §

In these extracts from the "Observations" of the Court of France

* Observations, p. 90. † Ibid., p. 91. ‡ Ibid., p. 92. § Ibid., pp. 95, 96.

we see an open avowal of her motives for entering into treaties with the United States during our Revolution. But do such motives afford any strong claims to our gratitude? She rejoiced at the prospect of a final separation of the thirteen colonies from Great Britain; she saw them erected, by their solemn Declaration, into independent States; but during near three years of our contest she continued waiting for some fortunate event that should insure stability and ultimate success to our enterprise. This event took place in the capture of a whole British army. Then "the King listened to the propositions of Congress because he thought, with the United States, that their independence was irrevocable." He then treated with the Americans, "with no other view than to put an end to the predominant power which England exercised in every quarter of the globe." "A diminution of this power [says the King] the tranquillity and happiness of Europe have for a long time required." "The only means of being secured from it was to seize the opportunity of diminishing it;" and he did seize it, "because his safety, the interest of his people, invariable policy, and, above all, the secret projects of the Court of London, imperiously laid him under the necessity."

After these repeated declarations on the part of France that her only view in contracting engagements with the United States was to diminish the British power, and thereby promote the safety and interest of her own people and the tranquillity of Europe, very unexpected, indeed, are the modern claims of boundless and perpetual gratitude. Nevertheless, animated, as we always have been, with sincere desires to maintain those useful and friendly connections with France which had their foundation in our Revolution, we should have remained silent on these claims had not the frequency and manner in which they have been urged compelled their discussion. We are not now disposed to question the importance of the aid we actually derived from France in the War of our Revolution, nor to retract the grateful acknowledgments that all America has, from that time, offered to that nation. We were in the habit of expressing our gratitude to her for the benefits which we received, although they resulted from her exertions to advance her own interest and secure her own safety. But if those benefits had been rendered from pure benevolence, from disinterested good-will to us, and we had been remiss in acknowledging them, is it the part of generosity, of magnanimity, constantly to upbraid the receivers of

their favors with ingratitude? Do not such reproaches cancel the obligation? But if for favors, apparently generous, substantial returns are demanded, the supposed liberal act degenerates and becomes a mercenary bargain.

If such only are the motives for our gratitude toward France, at the commencement of her political and commercial connections with us, in the midst of our war with Great Britain, what more can we discover at the conclusion of that war? Let us examine.

In 1781, with the assistance of a French army by land and a powerful fleet by sea, a second British army was captured. This event made even the British Government despair of bringing the United States again under her subjection. The Ministry was changed, and the Parliament passed an act to authorize the King to make peace. In the summer of 1782 an agent on the part of Great Britain repaired to Paris to negotiate with the Commissioners of the United States. For some time Doctor Franklin and Mr. Jay were alone at Paris. The commission to Mr. Oswald (the British negotiator) authorized him to treat of and conclude a peace or truce with any Commissioner or Commissioners named or to be named by the colonies or plantations of New Hampshire, etc. (naming the thirteen), or with any of them separately, with parts of them, or with any persons whatsoever. Mr. Jay was not satisfied with this commission to Mr. Oswald; the independence of the thirteen States was nowhere intimated. Agreeably to their instructions from Congress to take advice of the Court of France, the Commissioners communicated Mr. Oswald's commission to the Prime Minister, the Count de Vergennes. The Count expressed his opinion that the commission was sufficient; that it was such a one as we might have expected it would be; that "an acknowledgment of our independence, instead of preceding, must in the natural course of things be the effect of the treaty." This opinion the Count continued from time to time to repeat. In short, "it was evident the Count did not wish to see our independence acknowledged by Britain until they had made all their uses of us." Mr. Jay still continued unmoved. He conferred with Mr. Oswald, and "urged, in the strongest terms, the great impropriety and consequently the utter impossibility of our ever treating with Great Britain on any other than an equal footing; and told him plainly that he (Mr. Jay) would have no concern in any negotiation in which we were not considered as an independent people."

It was on this occasion that Mr. Oswald communicated to Mr.

Jay this article of his instructions : "In case you find the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession ; our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the thirteen colonies."

The British Ministry approved of this communication, but still were for treating with us as colonies and making an acknowledgment of our independence only an article of the treaty. Mr. Jay's discernment discovered the source of the backwardness at this time in the British Court to admit our independence previous to the negotiating of the treaty, and mentioned it, with his reasons, to Mr. Oswald ; who, far from contradicting Mr. Jay's inference, told him a fact which confirmed his opinion that it originated in the Court of France and was communicated to that of London by the British Commissioner then in Paris to treat of peace between France and Great Britain. Mr. Jay then explained to Mr. Oswald what he supposed to be the natural policy of the French Court, and showed him that "it was the interest of Britain to render us as independent on France as we were resolved to be on Britain." Mr. Oswald was convinced. Mr. Jay reminded him of the several resolutions of Congress, passed at different periods, not to treat with British Commissioners on any other footing than that of absolute independence ; and proposed to give to him in writing what he had before expressed in conversation—his determination not to treat but on the footing of equality. Mr. Oswald preferred having it in writing. Mr. Jay prepared the draft of a letter, to be signed by him and Doctor Franklin, expressing their determination not to treat but on terms of equality as an independent nation, and exhibiting the reasons of this determination. Doctor Franklin thought the letter "rather too positive, and therefore rather imprudent ; for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace after such a decided and peremptory refusal. Besides, the Doctor seemed much perplexed and fettered by the instructions from Congress to be guided by the advice of the French Court. Neither of these considerations affected Mr. Jay : for as to the first, he could not conceive of any event which would render it proper, and therefore possible for America to treat in any other character than as an independent nation ; and as to the second, he could not believe

that Congress intended they should follow any advice which might be repugnant to their dignity and interest."

Doctor Franklin's doubts prevented this letter being signed. Mr. Oswald was disappointed, and desired to see the draft. He saw it and requested a copy of it. After taking time for consideration, Mr. Jay complied with the request. "For though unsigned, it would convey to the British Ministry the sentiments and opinions he wished to impress; and if, finally, they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us. Besides, he could not be persuaded that Great Britain, after what the House of Commons had declared, after various other acts of that Government manifesting the intention to acknowledge it, would persist in refusing to admit our independence, provided they really believed that we had firmly resolved not to treat on more humble terms."

"With the copy of this draft Mr. Jay gave Mr. Oswald copies of the various resolutions of Congress which evinced their adherence to their independence. These papers Mr. Oswald sent by express to London, and warmly recommended the issuing a new commission, to remove all further delay."

Mr. Jay having afterward ascertained that the Count de Vergennes had sent a confidential agent to London—but whose journey was intended to have been a secret—for purposes evidently hostile to the interests of the United States, determined immediately to counteract the project by an agent on whom he could rely, to make to the Court of London such representations as he thought the occasion demanded. He succeeded, and in about two weeks Mr. Oswald received a new commission, in the form for which Mr. Jay had contended.

Mr. Jay remarked that agreeably to the Declaration of Independence the United States, as free and independent, had full power to levy war, conclude peace, contract alliances, etc.; that by the act of confederation the style of the confederacy was declared to be the United States of America, and by that act Congress were vested with the sole and exclusive right and power of determining on peace and war, and of entering into treaties and alliances; that being of right and in fact free and independent States, their representatives in Congress granted a commission to certain gentlemen, of whom Doctor Franklin and he were two, in their name to confer, treat, and conclude with ambassadors or commissioners vested with equal

powers relating to the re-establishing of peace, etc. But the first commission to Mr. Oswald was not equivalent ; the United States were not named in it, nor their Commissioners, who consequently were not the persons with whom Mr. Oswald was authorized to treat. And if the Commissioners had consented to treat with Mr. Oswald under such a commission, what would have been the condition of the people of the United States in the interval between the commencement of the negotiation and the conclusion of peace ? They would have been, not independent citizens, but, by our acknowledgment, British subjects ! Mr. Jay would not consent to this degradation after we had maintained our independence six years, after we had established it in fact, and after Congress had, by firm and repeated resolutions, refused to treat with Great Britain unless as a preliminary she withdrew her fleets and armies, or else in positive and express terms acknowledged the independence of the United States. At the same time Congress manifested their readiness to assent to such terms of peace as might consist with the honor of independent nations, but the honor of an independent nation forbade their treating in a subordinate capacity. Even the dignity of France, who four years before treated with us as an independent nation, required that we should not degrade ourselves when going to treat with her enemy. And why, then, should her ministers desire us to do it ? especially when the treaty of defensive alliance declared that " the essential and direct end of it was to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce." There were several reasons. The two parties, France and the United States, engaged not to lay down their arms until the independence of the United States should be attained. The explicit acknowledgment of their independence by Great Britain would show that for the essential and direct object of the alliance there was no necessity of continuing the war. But since making this treaty of alliance with the United States, France had formed other connections with whose views we had no concern, and for whose sake we were not bound to postpone the offered peace. We have seen the explicit avowal of the King of France that he entered into a treaty with the United States with a view to promote the safety and interest of his kingdom and subjects by diminishing the power of England ; but in doing this and eventually facilitating our independence of Great Britain, it became apparent that there would be

no objection to our dependence on France, particularly in "leaving the King master of the terms of the treaty of peace," and to keep us thus far dependent was manifestly the object of certain measures of the French Court calculated to deprive the United States of an immense western territory, of the navigation of the Mississippi, and of the fisheries except on our own coast.

A combination of facts and circumstances leave no doubt of the intentions of the French Court as to the objects above mentioned. I cannot undertake the lengthy detail, and will only just mention, in regard to territory, what was proposed and urged by one whose official station rendered it impossible to believe that he was expressing only his own sentiments, or that he was not acting by the direction of the French Court. He proposed what he called a conciliatory line between the United States and Spain. This was to begin at the division of East and West Florida, and run thence to Fort Toulouse on the River Alabama, thence by different courses to the Cumberland River and down the Cumberland to the Ohio. It was insisted that the United States could have no pretensions westward of this line ; that "as to the course and navigation of the Mississippi, they followed the property, and would belong, therefore, to the nation to which the two banks belonged. The United States could have no pretensions, not being masters of either border of the river ;" and that "as to what respects the lands situated to the northward of the Ohio, there was reason to presume that Spain could form no pretensions thereto. Their fate must be regulated with the Court of London." It is certain that, originally, Spain made no pretensions to any lands eastward of the Mississippi to the northward of the Floridas ; and it is clear that the idea of her finally making the claim was suggested by the Court of France.

We are now prepared to understand the declarations made in the instructions to citizen Genet, Minister Plenipotentiary from the French Republic to the United States. These instructions are dated January 4, 1793, and were published in December of that year, in Philadelphia, by M. Genet, in vindication of his extraordinary measures which had induced our Government to desire his recall. In these instructions we find the following passages : " The Executive Council has called for the instructions given to citizen Genet's predecessors in America, and has seen in them, with indignation, that at the very time the good people of America expressed their gratitude to us in the most feeling manner, and gave us every proof of

their friendship, Vergennes and Montmorin thought that it was right for France to hinder the United States of taking that political stability of which they were capable, because they would soon acquire a strength which it was probable they would be eager to abuse." "The same Machiavelian principle influenced the operations of the war for independence; the same duplicity reigned over the negotiations for peace."

We see, then, that in forming connection with us in 1778, the Court of France, the actual organ of the nation, had no regard to the interest of the United States, but that their real object was, by seizing the occasion of dismembering the British Empire, to diminish the power of a formidable rival, and that when, after we had carried on a distressing war for seven years, the great object for which we had contended—independence—was within our reach, that Court endeavored to postpone the acknowledgment of it by Great Britain, and eventually to deprive us of its fairest fruits—a just extent of territory, the navigation of the Mississippi, and the fishery.

Such being the motives and conduct of France, what inspired our truly grateful sentiments toward that nation? The ardent affection, the sincere friendship of Americans for Frenchmen? We were engaged in a common cause against Great Britain. We received loans of money, we were aided by troops and ships in attacking and conquering the common enemy in the bosom of our country; and this association in war produced acquaintances and personal friendships. And experiencing these benefits we gave way to our feelings without inquiring into the motives from which they were rendered.

But why are we so often reminded of the debt of gratitude? Is it really because more than gratitude—because compensation is expected to cancel it? If compensation is the object, the treaty of alliance has absolved the claim.

"The contracting parties declare that, being resolved to fulfil each on its own part the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after-claim of compensation on one side or the other, whatever may be the event of the war."

I am here naturally led to notice M. Adet's charge, already mentioned, that we have not offered to France the succors which friendship might have given without compromising the Government.

If M. Adet had specified the kind of succors which might thus have been offered, we could better judge the correctness of his assertion.

But is it true that we have rendered no succors to France? Read the following passages in the Secretary of State's letter of August 16, 1793, to Mr. Morris: "We recollect with satisfaction that in the course of two years, by unceasing exertions, we paid up seven years' arrearages and instalments of our debt to France, which the inefficacy of our first form of government had suffered to be accumulating; that pressing on still to the entire fulfilment of our engagement, we have facilitated to M. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France threatened with famine; that in the first moment of the insurrection which threatened the colony of St. Domingo we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid when delay would have been denial; that we have given the exclusive admission to sell here the prizes made by France on her enemies in the present war, though unstipulated in our treaties and unfounded in her own practice or in that of other nations, as we believe."

To this detail I have to add that of all the loans and supplies received from France in the American war, amounting to nearly fifty-three millions of livres, the United States, under their late Government, had been enabled to pay not two millions and a half of livres; that the present Government, after paying up the arrearages and instalments mentioned by Mr. Jefferson, has been continually anticipating the subsequent instalments, until, in the year 1795, the whole of our debt to France was discharged by anticipating the payments of eleven millions and a half of livres, no part of which would have become due until September 2, 1796, and then only one million and a half; the residue at subsequent periods, the last not until the year 1802.

APPENDIX C.

EXTRACTS (TRANSLATED) FROM CONFIDENTIAL CORRESPONDENCE AND PAPERS IN THE FRENCH ARCHIVES.*

THE COUNT DE VERGENNES TO COUNT DE MONTMORIN.

(De Circourt, iii., 310.)

VERSAILLES, October 30, 1778.

WE demand independence only for the thirteen States of America which have formed a Union, without comprising among them any of the other English possessions which have taken no part in the insurrection.

We do not wish—far from it—that the new Republic should remain the only mistress of all that immense continent. As it would in that case be self-sufficient, the other nations would soon have to yield to it, because being able to do without them it would most certainly impose on them very hard laws.

The predominating spirit of this Republic is, to my thinking, a mercantile one. It is best so, for that will make it the less dangerous to its neighbors.

According to M. Gérard's reports, a long time, ages even, will be needed before this new Republic can attain such a compactness as may enable it to play a part in the affairs of the outer world. Nevertheless, it is important that the English should remain masters of Canada and Nova Scotia; they will keep alive the jealousy of this nation, which might otherwise turn somewhere else, and will make it feel the need of sureties, allies, and protectors.

* The original documents, in French (pages 15 and 16), from which these extracts are translated were copied for Mr. Bancroft from the French archives at Paris, and given by Mr. Bancroft to the Count Adolphe de Circourt, by whom they were published in the third volume of his work, entitled "*Histoire de l'action commune de La France et de L'Amérique pour L'Indépendance des Etats Unis*," etc. Paris: F. Vieweg, Rue Richelieu, 67. 1876.

(Page 311.)

VERSAILLES, November 2, 1778.

. . . But you may assure him [the minister of the King of Spain] that it is not on our part he will meet with difficulties with regard to the preservation and guaranteeing of Canada and Nova Scotia to England.

If these two vast provinces remain in England's power, and Spain gets back the part of Western Florida which suits her, a restraint will be put on the Americans greater than is needful to prevent them from becoming enterprising and troublesome neighbors. . . .

I begin not to have so high an opinion of their firmness, because that which I had of their talents, views, and patriotism is weakened as I become better informed.

(Page 314.)

VERSAILLES, November 27, 1778.

. . . It is very strange that people persist in looking on the Americans as more dangerous neighbors than the English. . . .

Their Republic, unless they correct its failings—a thing which appears to me very difficult on account of the diversity and even contradictoriness of the interests concerned—will never be anything but a feeble body, capable of very little exertion.

Had the English displayed more activity, this seeming Colossus would now be more submissive than it has ever been before.

Heaven grant such may not be the end still! I confess I have but little confidence in the energy of the United States.

(Page 319.)

VERSAILLES, January 22, 1781.

. . . We never lose sight of the fact that Spain will strive to set her own interests before everything else; that she will want to make all the other conditions of peace subordinate to them; and that she will the less give any attention to those of the Americans, that she sees their independence with deep reluctance ("*avec douleur*").

(Page 320.)

VERSAILLES, April 12, 1781.

I have long had the conviction that Count de Florida Blanca entertains erroneous principles with regard to America, that he is secretly hostile to the independence of the United States, and that

he will thwart us as much as will be in his power when this matter will have to be treated of with Great Britain. . . .

. . . I will confide to you, sir, that the King, moved by the extreme distress of the Americans, has just granted the Congress a gift of six millions, and has consented to the surety for a loan of ten millions which is to be raised on their behalf in Holland.

I leave it to your discretion whether you will or will not tell M. de Florida Blanca of this resolve. It might perhaps have the effect of making him less parsimonious in his dealings with Mr. Jay.

If you speak of it to him, pray make him feel that if we carry on the war for the Americans we do so for the common cause; that consequently it is for the interest of both crowns to enable them to carry it on effectually. But I am much afraid you will preach in the desert.

EXTRACT FROM A DESPATCH OF M. GÉRARD TO COUNT DE VERGENNES.

(Page 260.)

PHILADELPHIA, December 22, 1778.

. . . A few days ago I gave a dinner to the President * for his inauguration. After the dinner he outstayed the other guests, with several members of Congress and M. de Mirales.† . . .

. . . I have abstained from speaking about the exclusive acquisition of the Mississippi along its entire course, on which subject I have reported already, for this matter must be handled with secrecy and dexterity. The considerations on which I have also reported, as well as the extreme need in which the Congress stands of assistance to pay its debts, will operate powerfully on that body, more particularly on the States north of Virginia, which will be very glad to prevent undertakings of which they would share only the burdens; but should the project come to light prematurely, the owners of the Illinois lands and of two immense settlements projected and begun on the Ohio would spare nothing to put obstacles in its way, and they would have many means of forming a powerful party.

. . . In all my talks with the President I have found him a

* Mr. Jay, President *pro tempore* of the Congress, elected December 10, 1778; appointed to Spain September 27, 1779; sailed October 20, 1779.

† Confidential agent of Spain.

man of enlightened mind, exempt from prejudice of any sort, and capable of lofty views. He shows himself sincerely attached to the alliance and hostile to England.

He delights in the idea that this triumvirate, as he calls it, between France, Spain, and America will defy the forces of the entire world. He discusses things openly and honestly, and willingly yields to sound argument. I am much mistaken, or we shall have occasion to regret it should his Presidency prove as short-lived as it appears likely to be. . . .

EXTRACT FROM A DESPATCH OF M. GÉRARD TO COUNT
DE VERGENNES.

(Page 264.)

PHILADELPHIA, January 28, 1779.

. . . With regard to this object, Monseigneur, I must tell you that my insinuations concerning Florida and the Mississippi have produced much impression. . . .

. . . The greater number inclines favorably toward my insinuations, a few wished to find a middle course, and others think the preservation of the right of navigation of the Mississippi absolutely indispensable. The two latter classes take their standing on the interests of the population settled on the Ohio, toward the Illinois River, in the lands of the Natchez, in Eastern Florida. They say they cannot abandon their countrymen, who have formed themselves into a national body and ask to be admitted into the American Confederacy. I replied that in a matter of such paramount importance they should not be stopped by personal considerations and mere questions of propriety before having examined whether it was for the general interests of the Republic.

EXTRACT FROM THE COUNT DE VERGENNES TO M. DE
LA LUZERNE, WHO SUCCEEDED M. GÉRARD AS MIN-
ISTER TO THE UNITED STATES.

(Page 266.)

VERSAILLES, July 18, 1779.

. . . It is nevertheless possible that the Congress should not have roused itself from its habitual torpor and should have made no offensive disposition for this campaign. The King charges you in

this case to lay before that assembly the great evils which must result from such conduct. . . .

. . . Spain having now become associated in our war and defending—at least indirectly—the American cause, although she has not entered into any explanations on the subject nor taken any engagement toward the United States, the King thinks it will be for the interest of the Congress, as well as a matter of duty, to regulate at once, in a manner satisfactory to that power, the various points which concern it. I know of three such.:

The first regards the boundaries of the United States toward the West ; the second relates to the navigation of the Mississippi ; the third to the two Floridas.

. . . With regard to the navigation of the Mississippi, it is pretty nearly proved that the Americans have no claim to it, since at the moment when the Revolution broke out the limits of the thirteen States did not reach to the river, and it would be absurd for them to claim the rights of England—*i.e.*, of a power whose rule they have abjured.

It behooves the Congress, therefore, to be categorically explicit on this point, and to declare that the United States put forward no pretensions on that score—*i.e.*, regarding the Mississippi—and will be content to request the gracious countenance of the King of Spain as far as his interest will permit him to grant to them. This matter has already been treated by M. de Rayneval, and I judge from his reports that the Congress was not far from adopting our views. . . .

. . . As to the Floridas, they do not belong by any title to the United States. . . .

. . . Such, sir, is our view of the three points which concern the Court of Madrid. That Court, I know, shares it. . . .

. . . You will, perhaps, be spoken to about a peace subsidy. Such assistance would assuredly help the Congress to free itself from embarrassment, and an excellent impression might be produced by giving even now a promise to that effect. But it is impossible the King should take such an engagement, because not only are his expenses excessive, but he cannot foretell the end of them, nor, consequently, the extent of the debts which the war will have forced him to incur. Perhaps, however, it would be imprudent to take all hope from the Americans, nor is it his Majesty's intention to do so. The

King thinks, on the contrary, that should you be sounded on the subject you might, as though speaking for yourself only, give them a glimpse of hope that he may grant them some succor should the condition of his own affairs allow him to follow the impulse of his affection toward the United States. You will feel yourself that this disposition of the King's must be presented with as much circumspection as dexterity, in order that the Americans may not take it for a formal engagement nor complain should it not be carried into effect. . . .

. . . I do not need to tell you, sir, that this matter [the truce proposed by Spain] should be presented with *all possible caution*, so that it may not be supposed to enter at present our views or our plans for pacification.

COUNT DE VERGENNES TO M. DE LA LUZERNE.

(Page 275.)

VERSAILLES, September 25, 1779.

. . . According to M. Gérard's report, no member of that assembly has dared openly to opine in favor of a continuation of the war; but the party which has formed itself under the leadership of Messrs. Lee and Adams seeks to prolong it in an indirect way, by raising difficulties regarding the conditions of peace. This party has principally laid hold of two items, the fisheries and the territories situated along the banks of the Mississippi. It pretends, first, that the right of fishing belongs to the Eastern States; that England must recognize and France guarantee it. Second, that the land lying toward the Mississippi belongs to the United States, and that their right to free navigation along that river cannot be contested.*

As it is important to elucidate these two points and to rectify the ideas of a great number of delegates concerning them, I shall not lose an instant, sir, in transmitting to you the King's view of the subject and that of his Council.

. . . There can, therefore, be no question of disputing the Americans' right of fishing out in the open sea, and it would be idle to discuss this position.

* Previous to the peace of 1763 France considered herself the sovereign of the entire Mississippi basin. She adjudged to Canada the north of that immense region to the Ohio and the south to Louisiana.

No so the fishing along the coast ; it belongs by right to the owner of that coast, and he is at liberty to exclude from it whomsoever he thinks fit. It results from this that the fishing along the coast of Newfoundland, New Scotland and its dependencies, Canada, etc., belongs exclusively to the English ; that the Americans have absolutely no claim thereto, and that, if we do enjoy it in certain places, it is not in virtue of a common right, but of treaties which have expressly reserved us the privilege. . . .

. . . It is essential to remark that the fisheries belong and have always belonged to the Crown of Great Britain, and that it was as subjects of that Crown the Americans enjoyed it. Consequently, from the moment when they shook off the English yoke and declared themselves independent, they broke the community which existed between them and the metropolis and voluntarily relinquished all the advantages which they derived from that community, just as they despoiled England of all the advantages she derived from their union with her.

It should, therefore, be well established that from the moment when the colonies published their Declaration of Independence, they have ceased to own a share in the fisheries because they have forfeited by their own act the qualification which entitled them to such a share ; that consequently they can oppose to the Court of London neither title nor actual possession. From this truth another results, viz.: that the Americans having no right to the fishing, we can give them no guarantee on that head. . . .

. . . From all that I have just said result the following positions :

1. That the King's guarantee actually bears only on the independence of the United States.
2. That this guarantee only eventually bears on their possessions, whatever these may be.
3. That the United States have no actual right to the fisheries.
4. That the King has not contracted, either explicitly or implicitly, the obligation of letting them have a share in the same.
5. That they can claim such share only in so far as they may secure it by force of arms and by the future truce or treaty of peace.

The second point on which the enemies of peace have striven to hamper the deliberations of the Congress is the land that lies toward the Mississippi, and which we have ceded to the English by our last treaty of peace. . . .

Referring to the project of a truce which had been proposed by Spain in the supposition that by this means further bloodshed might be avoided, M. de Vergennes said : “ . . . However improbable it may appear, it would be infinitely better, both for America and ourselves, to sign a truce rather than continue a ruinous war with uncertain success. The history of several European Republics will supply you with ample means for convincing unprejudiced Americans that by virtually [*de fait*] maintaining their independence, it will in reality be as firmly established as though England had recognized it by a formal and definite treaty, thanks to the guarantees by which it would be supported.” *

It will probably be objected to you, sir, that by procuring only a truce for America France would not fulfil the obligations imposed on it by the alliance. But in order to destroy this objection, it will doubtless be sufficient for you to recall the very terms of the treaty to which I have referred in the beginning of the present despatch. By Article II. the King binds himself to guarantee the independence of the United States. In what way is not expressed.

It is not said that the independence must be recognized by England. All that the King is bound to do is to insure it formally or tacitly by the treaty which will put an end to the war, and to guarantee the United States against all harm. This latter point is foreseen by the treaty itself, and is the object of the war which his Majesty is carrying on against England ; the other will be achieved by a truce supported by such measures as may insure and perpetuate its effects, and such a truce would fully come up to the obligation expressed in Article VIII. of the treaty of alliance. . . .

. . . If provoked to speak, you will abstain from official declarations. You will present your view as personal to yourself, lest, should you speak in the King's name, they might suspect us of an intention to stop at a truce, whence would result new debates and distrust, which it the more behooves us to avoid as the King's project, as well as that of the King of Spain, is to end the war only by a definite treaty. . . .

. . . His Majesty further empowers you to continue the dona-

* M. de Vergennes here alludes to the truce concluded in 1609 between the United Provinces of the Netherlands and the Archdukes who ruled Belgium. This truce, which recognized the provinces' independence *de facto*, preceded by thirty-nine years the recognition *de jure* by the Crown of Spain.—Editor's note in *Circuit's* third volume.

tions which M. Gérard has given or promised to various American authors, and of which he will surely have handed you a list.*

It appears that, when the Americans will be their own masters, the general confederacy will have much difficulty in maintaining itself, and that it may very possibly be superseded by separate confederacies. If such a revolution really takes place it will weaken the United States, which has not nor ever will have anything like real respectable strength except by their union. But it is entirely their own business to consider these things; we have neither the right nor any interest to draw their attention thereunto. I say "no interest," because it is no profit to us to see Northern America play the part of a power and be able to cause uneasiness to her neighbors. All that we wish with regard to the United States is that they may be independent and peaceable; this latter point might become doubtful, sooner or later, should their political condition ever allow them to become ambitious. . . .

. . . The possibility of a dissolution of the general confederacy, and consequently of the suppression of the Congress, makes us think that nothing could be more in conformity to our political interest than that each State should ratify the treaties concluded with France by a separate act, because in this manner each State will be bound to us separately, whatever may be the fate of the general confederacy. So you will please, sir, to hold the Americans to this system by your insinuations and induce them to carry it out.

Post-scriptum.—I enclose the King's answer to the letter in which the Congress has asked his Majesty for his own portrait and that of the Queen.

EXTRACTS FROM AN UNDATED MEMOIR, WRITTEN BETWEEN MAY 30 AND JUNE 15, 1782.†

(Pages 30-34.)

It appears we are to witness the rise out of the midst of Europe of a new power which is to become in America a State similar to those which gave it birth. The united colonies do not possess any of those metals, those precious wares and products which give such

* Temporary pecuniary assistance. This delicate subject has been even in our time the subject of criticism and controversies into which we need not enter.—Editor's note, Circourt, iii.

† See Mr. Bancroft's views on the origin of this memoir, note pp. 91-92, *ante*.

advantages to the other American colonies. It is not through gold or silver mines, nor through those products which the Old World can yield that the new power will become noteworthy. By these products it is placed on a level with Europe. It is to the cultivation of land, to the industry of the inhabitants, to the vigor of its commerce it will owe its wealth.

The die is cast ; England must regard the new power as her equal—nay, as her rival, independent de facto ; the future treaty of peace will make it independent de jure—such is the will of France. Such was of necessity the will of France, for that was the *most fatal blow* she could inflict on her ambitious and troublesome rival. But has France foreseen the extent of the power which the United States may eventually acquire ? This question, though doubtless present to Count de Vergennes' mind, is not what must occupy it just now. What at the present moment appears of greatest importance is to regulate the territorial extent which must be given to this power on the vast continent of North America, and what its boundaries shall be. Nature seems to have drawn them to the north and south by the chain of the Appalachian Mountains* and the sea. It remains to determine what they shall be to the east and west. The question is a very important one, and in order to prove this we will take the liberty of giving our ideas some development.

The interest of Europe in general and of the entire world demands that the power of the insurgents should have well-known and clearly defined boundaries. It would be too dangerous to leave to this power, at the moment of its birth, a domain of undetermined extent in a new land, very thinly peopled as yet, but which can become populous in a very short time. This would amount to enabling its leaders not only to produce the greatest revolutions in that part of the globe, but to extend these revolutions beyond their continent. It may be looked on as certain that the new States' population will increase quickly and considerably. The discontent which actually prevails among the English nation, its migratory spirit, the hope of finding more assured liberties in a new State, amidst people whom a desire to enlarge their trade has urged to such great efforts, the certainty of peaceably enjoying there the fruits of labor and industry—all these things will decide numbers of English families to leave their homes and settle amidst the insurgents, and this new wound will not be the least felt or least prejudicial to England. The rest of Europe

* So the French writers of that day called the Alleghanies.

should also guard against emigration. Before the beginning of the present war people hardly knew the excellence of the soil of North America ; but now everybody is informed of it.

Each power, therefore, should take precautionary measures against emigration. In order as much as possible to forestall this evil, it behooves not to leave too much land to the American colonies, so as not to give them the means of receiving too many new subjects. To neglect this important point were a capital mistake, on which repentance would promptly follow.

Moreover, should the insurgents be suffered to spread too far eastward, they would soon be enabled to seize on all the fisheries along the American shore. Should they be allowed to push too far to the north and settle the excellent land which lies between the *Appalaches*, the lakes, and the St. Lawrence River, they would soon become sole masters of the fur trade in America. If they carried their settlements into the West, along the Ohio and the Mississippi, it would be easy for them to advance into New Mexico and the land of the new silver mines, and occupy them before the Spaniards could come in force to oppose them.

It is of paramount importance, therefore, at the moment when the new power is to be framed and consolidated, to enclose it within such boundaries as must, at least for a long time, restrain any ambitious projects, and the following are the means which we think best calculated to achieve this purpose : In the first place, to surround the possessions of the insurgents with nations capable of mutually supporting each other against their enterprises, and whose power should be sufficiently great to oppose all projects endangering the tranquillity of this part of the world.

Further, it appears indispensable that England should sacrifice the feeble colony of Georgia, and that the western boundaries of the united colonies should be drawn in that country, so that there the Spanish territory should end.

It is clear from this that we take for granted the entire cession of Florida to the Spaniards. This sacrifice will be shown to be indispensable. To insure the solidity of the future peace, we think the entire removal of the English from this part of the continent absolutely necessary. The ambitious views which they have manifested in wishing to have the Mississippi River for their boundary, the extension which they have tried to give to their commerce in this part of the world, the communications which they have estab-

lished with New Mexico—all these symptoms are a leaven of discord which should be removed. The chief object of the future treaty of peace must be to insure to every one tranquillity in their domains and entire liberty of commerce. Spain must not be able to invade or disturb England in either ; but there must be complete reciprocity. Only by removing the occasions of so doing will this object be achieved.

EXAMINATION OF THE MOTIVES AND CONDITIONS OF THE
TREATY OF PEACE TO BE MADE WITH THE INSUR-
GENTS, WITH THE ENGLISH, AND WITH OUR ALLIES.

(Fragment, June or July, 1782.)

(Pages 34-38.)

The treaty of peace which will recognize their independence must, first of all, hold them to their original limits, so that the new Republic may never be able to extend beyond them, neither by conquest nor by associations between the American colonies.

The boundaries of their continent must be detailed and circumscribed with the greatest exactness, and all the belligerent powers must bind themselves to prevent any transgression of them. It is as much in the interest of England as in that of Spain, France, and Holland to stop them by force at the first infraction of the limits and the first attempt toward extending beyond them.

The example of England, who has made herself ruler of the seas and of the vast commerce of America, notwithstanding the distance and smallness of the metropolis, as compared to those European nations who hold the strongest interest in the colonies, is a warning which makes the greatest caution incumbent on all concerned, in order not to exchange one bondage for another and not to become dependent on these new-comers, whom their numbers may raise to the first rank in America.

The support given to insurgents against their masters is an example which must strongly impress the nations of those countries who think themselves ill-used by their sovereign. None but well-informed persons know that France has assisted the insurgents only long after they had taken up arms. France really sent over help only after the battle of Belle-Poule.

It may be said with some probability that a long time must elapse before the new republicans are in a condition to give laws to

America, or even to play there a conspicuous part, all the more that they have a very scanty population, very little cultivated land, very little trade, little clothing, no money and many debts, and it will always be time enough to act against them and take measures according to circumstances.

It is true that time is needed to make a conquering or even an enterprising people ; indeed, that it is more difficult to implant the spirit of conquest into a republic than into the head of a government entrusted to one person. This fear, in fact, seems to be unfounded, as proven by every precedent in ancient or modern history, or at least to be removed to a far-distant future. Still, and notwithstanding these considerations arising from the common course of events in Europe, it appears to me that precautions should be taken at once with regard to North America.

America is to Europe as another world, quite as much as India, Persia, or any other nation of the remaining three parts of the world. . . . If we consider that a handful of insurgents have, for several years and unaided, stood their ground against the forces of England, who, notwithstanding her immense wealth and the great number of troops she sent over to North America, could not bring this handful of men to terms, although they had neither experience in the craft of war, nor money, nor protectors, and that England has been unable to induce them even to accept an amicable compromise, we may judge how difficult they will be to manage if they are allowed to extend their boundaries, especially if they increase the population, if they cultivate the land, and have a commerce in proportion to the area they cover. We have to do here emphatically with the welfare of the State, which is the supreme law of a government, and nothing should be forgotten, even at this early stage, to forestall the consequences of the new country's independence.

All these considerations lead me to the conclusion that it is most essential to guard against the steps which the insurgents may take in America, at any future time, with a view either to extend their own dominion or to assist other nations in that part of the world who might wish to follow the example given by Americans of the united provinces and shake off the yoke of the Europeans, and who, blinded by the prosperity of the united provinces, might fancy themselves possessed of sufficient strength to acknowledge their masters no longer. The only question, then, is by what means to guard against this danger. As England, Spain, and Holland are interested in the matter

equally with France, the necessity of taking precautionary measures must be declared by the minister of one of those powers. The matter is considered all the more easy as it is doubted whether Spain will acknowledge the independence of the insurgents, on account of the bad example to the Peruvians, the Mexicans, and the other inhabitants of her different colonies.

It is believed that the insurgents, before they broke with the mother country, got the profits of the greatest part of the free fishing [*pêche errante*] about Newfoundland, besides the sedentary fisheries, which are the most abundant and the most lucrative. But as the insurgents are no longer Englishmen, and Newfoundland is no dependence of their thirteen provinces, England has as much interest as France to exclude them from at least the right of free fishing, which would give them the promptest and surest means of enriching, perhaps even of aggrandizing themselves at England's expense

It is, therefore, obviously in England's interest to have the French as partners at Newfoundland in preference to the insurgents.

COUNT DE VERGENNES TO THE CHEVALIER DE LA
LUZERNE.

(Page 298.)

VERSAILLES, October 14, 1782.

. . . If we are fortunate enough to achieve a peace it is evident that the King must then cease to pay the American army, which, from being habitually inactive, will then have become entirely useless. But it might be dangerous, in the present state of things, to make such an announcement to the Congress. Therefore if they talk to you about subsidies for next year, you will merely say that you are still ignorant of the King's intentions on that subject. . . .

. . . You know our system regarding Canada; it is unchanged, so that everything that will prevent the conquest of it will essentially meet our views. But you will yourself, sir, feel that this our way of thinking must be an impenetrable secret to the Americans; it would be, in their eyes, a crime which they would never forgive us. It behooves to leave them to their illusions, to do everything that can make them fancy that we share them, and unostentatiously to defeat any attempts to which these illusions might carry them if our co operation is required. . . .

. . . Besides, I do not see on what grounds the Americans would claim the lands which border on Lake Ontario. These lands either belong to the savages or are a dependence of Canada. In neither case have the United States any right to them. But I am aware of the extravagant pretensions current in America. According to the Congress, the charters emanating from the British Crown extend the domain of America from the Atlantic to the Pacific Oceans. Such is the system proposed by Mr. Jay as the basis of his negotiation with Spain. Such an aberration [*un pareil delire*] is undeserving of serious refutation. Yet a confidential note has been placed in Mr. Jay's hands, in which note it is pretty well demonstrated that the boundaries of the United States south of the Ohio stop at the mountains following the water-shed, and that all that skirts those mountains, and particularly the lakes, has formerly been a part of Canada. All this, however, is meant for your own eye alone. You will in no way show that you have any knowledge of these things, because we are the less inclined to interfere, at least at the present moment, in the discussion between Count Aranda and Mr. Jay, that both parties claim land to which neither has a right, and that it will be impossible to make them agréé.

. . . But the American agents do not shine by the soundness of their views or the adaptation thereof to the political condition of Europe. They have all the presumption of ignorance. But there is reason to expect that experience will ere long enlighten and improve them.

. . . In my despatch No. 39 I informed you of the manner in which Messrs. Franklin and Jay were situated toward Mr. Oswald. The objections which they have raised against the form of the English agent's powers, together with the observations which I, on my side, had made to Mr. Fitzherbert, have been taken into consideration by the Council at St. James.

New powers have been made out, in which the colonies are entitled "United States." These powers have been exchanged against those of the American plenipotentiaries. Thus that matter is perfectly regulated according to the wishes and to the satisfaction of the Congress. I have been assured that the negotiations on the substance of the question had begun, and that the English plenipotentiary showed himself rather manageable [*assez coulant*]. But I cannot tell you anything positive on the subject, as Messrs. Jay and Franklin observed the most absolute reserve toward me.

. . . This mission [that of Rayneval to England] had no other object than to enlighten us on the real intentions of the English Cabinet, indicated by some overtures which it had caused to be made in an indirect way. The first subject treated in the conferences which M. de Rayneval had there was the independence of America, and the fact of new powers having been made out for Mr. Oswald sufficiently shows how he must have spoken on the subject. I enter into these details because they will have learned in America M. de Rayneval's journey to England from the newspapers, and it is possible that evil-intentioned persons may try to lend a false color to that step.

EXTRACTS FROM M. DE RAYNEVAL'S REPORTS ON HIS
CONFERENCES WITH THE ENGLISH MINISTERS.

(October 13, 1782.)

(Page 46.)

America's turn came at last. Lord Shelburne foresaw that they would have much difficulty with America, with regard as well to the boundaries as to the fisheries ; but he hopes the King will not support them in their claim. I have answered that I did not doubt the King's readiness to do all in his power to restrain the Americans within the bounds of justice and reason. And his lordship having desired to know what I thought of their pretensions, I replied that I did not know what they were concerning the fisheries, but that, whatever they might be, there was, to my thinking, one principle safely to be followed in the matter, viz. : that fishing in the open sea is *res nullius*, and that fishing along the coasts belongs of right to the owners of those coasts, unless there exist departures from the principle founded on conventions. As to the boundaries, I supposed the Americans would go for them to their charters, and want the whole continent, from the Atlantic to the Pacific. Lord Shelburne said the charters were nonsense, and the discussion was not continued because I would neither support the American claim nor demolish it. I only said that the English Cabinet should find, in the negotiations of 1754 concerning the Ohio, the limits which England, then the sovereign of the thirteen united provinces, thought fit to assign to them.

LONDON, December 25, 1782.

. . . I took occasion to speak to Lord Shelburne of the precipitancy of the dealings with the Americans, and I do not conceal from you, Monseigneur, that I spoke somewhat reproachfully.

Lord Shelburne observed that to give me an answer was a very delicate thing as respects both the Council and the American Commissioners. Still, he said that it is thought desirable here to have done with the Americans before the next session of Parliament, and with us too, so as to prevent questionings and Parliamentary intervention; that moreover he, Lord Shelburne, had not known, before the report was made to the Council, that things had gone so far and had been made so easy to the Americans, and that he disapproved of it at heart. I attempted to take advantage of the opportunity to make some remarks on the embarrassments which would arise for Spain out of that article in the treaty which gives to the Americans the right of navigation of the Mississippi, but Lord Shelburne replied in a lively tone that this was indifferent to him; that all that concerned Spain mattered little to him; that this power deserved courtesy only as being his Majesty's ally, but that he would take no step in its favor. It would have been vain to insist. I shall wait for a calmer moment before I reply.

FRAGMENT FROM A DESPATCH OF COUNT DE VERGENNES
TO M. DE LA LUZERNE.

VERSAILLES, November 23, 1782.

. . . The King will not be remiss in fulfilling his engagements; but there is nothing in the treaties obliging him to continue the war in order to support the ambitious claims which the Americans may put forward with regard either to the fisheries or to the extension of the boundaries.

APPENDIX D.

INSTRUCTIONS TO THE COMMISSIONERS FOR PEACE.

(Diplomatic Correspondence of the American Revolution, x., 75, 76.)

IN CONGRESS, June 15, 1781.

To the Honorable John Adams, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson, Ministers Plenipotentiary in behalf of the United States to negotiate a treaty of peace.

GENTLEMEN—You are hereby authorized and instructed to concur, in behalf of these United States, with his Most Christian Majesty, in accepting the mediation proposed by the Empress of Russia and the Emperor of Germany.

You are to accede to no treaty of peace which shall not be such as may, first, effectually secure the independence and sovereignty of the Thirteen United States, according to the form and effect of the treaties subsisting between the said United States and his Most Christian Majesty; and secondly, in which the said treaties shall not be left in their full force and validity.

As to disputed boundaries and other particulars, we refer you to the instructions given to Mr. John Adams, dated August 14, 1779, and October 18, 1780,* from which you will easily perceive the desires and expectations of Congress. But we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above mentioned. You are therefore at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and the disposition of the mediating powers may require. For this purpose you are to make the most candid and confidential communications upon all subjects to the ministers of

* See these instructions in *John Adams' Correspondence*, vol. iv., p. 339, and *Secret Journal*, vol. ii., p. 339.

our generous ally, the King of France ; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence ; and ultimately to govern yourselves by their advice and opinion, endeavoring in your whole conduct to make them sensible how much we rely upon his Majesty's influence for effectual aid in everything that may be necessary to the peace, security, and future prosperity of the United States of America.

If a difficulty should arise in the course of the negotiation for peace from the backwardness of Great Britain to acknowledge our independence, you are at liberty to agree to a truce, or to make such other concessions as may not effect the substance of what we contend for ; and provided that Great Britain be not left in possession of any part of the United States.

SAMUEL HUNTINGTON, *President.*

APPENDIX E.

OFFICIAL CORRESPONDENCE TOUCHING THE PEACE NEGOTIATIONS.

(Diplomatic Correspondence, x., 117.)

THE PEACE COMMISSIONERS TO ROBERT R. LIVINGSTON, SECRETARY
OF STATE.

PARIS, December 14, 1782.

SIR—We have the honor to congratulate Congress on the signature of the preliminaries of a peace between the Crown of Great Britain and the United States of America, to be inserted in a definitive treaty so soon as the terms between the Crowns of France and Great Britain shall be agreed on. A copy of the Articles is here enclosed, and we cannot but flatter ourselves that they will appear to Congress as they do to all of us, to be consistent with the honor and interest of the United States, and we are persuaded Congress would be more fully of that opinion if they were apprised of all the circumstances and reasons which have influenced the negotiation. Although it is impossible for us to go into that detail, we think it necessary nevertheless to make a few remarks on such of the Articles as appear most to require elucidation.

. . . We knew this Court and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this Article; indeed, they appear to leave us little to complain of, and not much to desire. Congress will observe that although our northern line is in a certain part below the latitude of forty-five, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

. . . As we had reason to imagine that the Articles respecting the boundaries, the refugees, and fisheries did not correspond with the policy of this Court, we did not communicate the preliminaries

to the minister until after they were signed ; and not even then the *Separate Article*.* We hope that these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes, on perusing the Articles, appeared surprised, but not displeased, at their being so favorable to us.

. . . With great respect we have the honor to be, Sir, your most obedient and most humble servants,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY,
HENRY LAURENS.

ROBERT R. LIVINGSTON, SECRETARY OF STATE, TO THE PEACE
COMMISSIONERS.

PHILADELPHIA, March 25, 1783.

GENTLEMEN—I am now to acknowledge the favor of your joint letter by the Washington, together with a copy of the Preliminary Articles ; both were laid before Congress. The articles have met with their warmest approbation, and have been generally seen by the people in the most favorable point of view.

The steadiness manifested in not treating without an express acknowledgment of our independence previous to a treaty is approved, and it is not doubted but it accelerated that declaration. The boundaries are as extensive as we have a right to expect ; and we have nothing to complain of with respect to the fisheries. My sentiments as to English debts you have in a former letter. No honest man could wish to withhold them. A little forbearance in British creditors till people have recovered in part from the losses sustained by the war will be necessary to render this Article palatable, and indeed to secure more effectually the debt.

. . . But, gentlemen, though the issue of your treaty has been successful ; though I am satisfied that we are much indebted to your firmness and perseverance, to your accurate knowledge of our situation and of our wants for this success, yet I feel no little pain at the distrust manifested in the management of it, particularly in signing

* *Separate Article*.—It is hereby understood and agreed that in case Great Britain, at the conclusion of the present war, shall recover or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yazoo, where it unites with the Mississippi, due east, to the river Appalachicola.

the treaty without communicating it to the Court of Versailles till after the signature, and in concealing the Separate Article from it even when signed. I have examined with the most minute attention all the reasons assigned in your several letters to justify these suspicions. I confess they do not appear to strike me so forcibly as they have done you ; and it gives me pain that the character of candor and fidelity to its engagements, which should always characterize a great people, should have been impeached thereby. The concealment was in my opinion absolutely unnecessary ; for had the Court of France disapproved the terms you had made after they had been agreed upon, they could not have acted so absurdly as to counteract you at that late day, and thereby put themselves in the power of an enemy who would certainly betray them, and perhaps justify you in making terms for yourselves.

. . . I intended to have submitted this letter to Congress, but I find there is not the least prospect of obtaining any decision upon it in time to send by this conveyance, if at all. I leave you to collect their sentiments, as far as I know them, from the following state of their proceedings. After your joint and separate letters and the journals had been submitted to them by me, and had been read, they were referred back to me to report upon, when I wrote them a letter, and when it was taken into consideration motions were made and debated a whole day. After which the letter and motions were committed, and a report brought in. This was under consideration two days, when the arrival of a vessel from Cadiz with letters from the Count d'Estaing and the Marquis de Lafayette, containing accounts that the preliminaries were signed, induced members to think it would be improper to proceed in the report, and in that state it remains without any express decision. From this you will draw your own inferences.

I make no apology for the part I have taken in this business. I am satisfied you will readily acquit me for having discharged what I conceived to be my duty upon such a view of things as you presented to me. In declaring my sentiments freely I invite you to treat me with equal candor in your letters, and in sending original papers I guard against misrepresentations that might give you pain. Upon the whole I have the pleasure of assuring you that the services you have rendered your country in bringing this business to a happy issue are very gratefully received by them, however we may differ in sentiments about the mode of doing it.

THE PEACE COMMISSIONERS TO ROBERT R. LIVINGSTON, SECRETARY
OF STATE.

PASSY, July 18, 1783.

SIR—We have had the honor of receiving by Captain Barney your two letters of March 26th and April 21st, with the papers referred to in them.

We are happy to find that the Provisional Articles have been approved and ratified by Congress, and we regret that the manner in which that business was conducted does not coincide with your ideas of propriety. We are persuaded, however, that this is principally owing to your being necessarily unacquainted with a number of circumstances known to us, who are on the spot, and which will be particularly explained to you hereafter, and, we trust, to your satisfaction and that of the Congress.

Your doubts respecting the Separate Article, we think, are capable of being removed ; but as a full state of the reasons and circumstances which prompted that measure would be very prolix, we shall content ourselves with giving you the general outlines.

Mr. Oswald was desirous to cover as much of the eastern shores of the Mississippi with British claims as possible ; and for this purpose we were told a great deal about the ancient bounds of Canada, Louisiana, etc., etc. The British Court, who had probably not yet adopted the idea of relinquishing the Floridas, seemed desirous of annexing as much territory to them as possible, even up to the mouth of the Ohio. Mr. Oswald adhered strongly to that object, as well to render the British countries there of sufficient extent to be (as he expressed it) worth keeping and protecting, as to afford a convenient retreat to the tories, for whom it would be difficult otherwise to provide ; and, among other arguments, he finally urged his being willing to yield to our demands to the east, north, and west, as a further reason for our gratifying him on the point in question. He also produced the commission of Governor Johnson, extending the bounds of the Government of West Florida up to the river Yazoo, and contended for that extent as a matter of right upon various principles, which, however, we did not admit, the King not being authorized, in our opinion, to extend or contract the bounds of the colonies at pleasure.

We were of opinion that the country in contest was of great value, both on account of its natural fertility and of its position, it

being, in our opinion, the interest of America to extend as far down towards the mouth of the Mississippi as we possibly could. We also thought it advisable to impress Britain with a strong sense of the importance of the navigation of that river to their future commerce on the interior waters, from the mouth of the St. Lawrence to that of the Mississippi, and thereby render that Court averse to any stipulations with Spain to relinquish it. These two objects militated against each other, because to enhance the value of the navigation was also to enhance the value of the countries contiguous to it, and thereby disincline Britain to the dereliction of them. We thought, therefore, that the surest way to reconcile and obtain both objects would be by a composition beneficial to both parties. We therefore proposed that Britain should withdraw her pretensions to all the country above the Yazoo, and that we would cede all below it to her, in case she should have the Floridas at the end of the war ; and, at all events, that she should have a right to navigate the river throughout its whole extent. This proposition was accepted, and we agreed to insert the contingent fact of it in a separate Article, for the express purpose of keeping it secret for the present. That Article ought not, therefore, to be considered as a mere matter of favor to Britain, but as the result of a bargain in which that Article was a *quid pro quo*.

It was in our opinion both necessary and justifiable to keep this Article secret. The negotiations between Spain, France, and Britain were then in full vigor, and embarrassed by a variety of clashing demands. The publication of this Article would have irritated Spain, and retarded, if not have prevented, her coming to an agreement with Britain.

Had we mentioned it to the French Minister he must have not only informed Spain of it, but also been obliged to act a part respecting it that would probably have been disagreeable to America ; and he certainly has reason to rejoice that our silence saved him that delicate and disagreeable task.

This was an Article in which France had not the smallest interest, nor is there anything in her treaty with us that restrains us from making what bargain we please with Britain about those or any other lands, without rendering account of such transaction to her or any other power whatever. The same observation applies with still greater force to Spain ; and neither justice nor honor forbid us to

dispose as we pleased of our own lands without her knowledge or consent. Spain at that very time extended her pretensions and claims of dominion, not only over the tract in question, but over the vast region lying between the Floridas and Lake Superior; and this Court was also, at that very time, soothing and nursing those pretensions by a proposed conciliatory line for splitting the difference. Suppose, therefore, we had offered this tract to Spain; in case she retained the Floridas should we even have had thanks for it? Or would it have abated the chagrin she experienced from being disappointed in her extravagant and improper designs on that whole country! We think not.

We perfectly concur with you in sentiment, Sir, that "*honesty is the best policy.*" But until it be shown that we have trespassed on the rights of any man or body of men, you must excuse our thinking that this remark as applied to our proceedings was unnecessary.

Should any explanations, either with France or Spain, become necessary on this subject, we hope and expect to meet with no embarrassment. We shall neither amuse them nor perplex ourselves with flimsy excuses, but tell them plainly that it was not our duty to give them the information; we considered ourselves at liberty to withhold it. And we shall remind the French Minister that he has more reason to be pleased than displeased with our silence. Since we have assumed a place in the political system of the world, let us move like a primary and not a secondary planet.

We are persuaded, Sir, that your remarks on these subjects resulted from real opinion, and were made with candor and sincerity. The best men will view objects of this kind in different lights even when standing on the same ground; and it is not to be wondered at that we, who are on the spot and have the whole transaction under our eyes, should see many parts of it in a stronger point of light than persons at a distance, who can only view it through the dull medium of representation.

It would give us great pain if anything we have written or now write respecting this Court should be construed to impeach the friendship of the King and nation for us. We also believe that the minister is so far our friend, and is disposed so far to do us good offices as may correspond with and be dictated by his system of policy for promoting the power, riches, and glory of France. God forbid that we should ever sacrifice our faith, our gratitude, or our

honor to any considerations of convenience ; and may He also forbid that we should ever be unmindful of the dignity and independent spirit which should always characterize a free and generous people.

. . . . We have the honor to be, etc.,

JOHN ADAMS,
B. FRANKLIN,
JOHN JAY.

APPENDIX F.

THE ADVICE OF VERGENNES AND THE ACTION OF JAY AND FRANKLIN ON OSWALD'S FIRST COMMISSION.

AN account of the discussion and action on Oswald's first commission was given by Jay to Livingston in his letter of November 17, 1782 (Dip. Corres., viii., 133 *et seq.*).

On July 25, 1782, the King issued a warrant to his Solicitor General to prepare a commission for Mr. Oswald to treat with any person or persons appointed by any or all of the American colonies or plantations. Oswald sent a copy of it to Doctor Franklin with an assurance that the commission would be ready in a few days, and the doctor, after showing it to Jay, sent it to Vergennes, who, on the 8th of August, wrote from Versailles, "I am going to examine it with the greatest attention, and if you will be pleased to come here on Saturday morning, I shall be able to confer about it with you and Mr. Jay if it should be convenient for him to accompany you."

On August 10th Franklin and Jay waited on the Count and the question was discussed. The Count de Vergennes said that it was such a one as we might have expected it to be, but that we must take care to insert proper articles in the treaty to secure our independence and our limits against all future claims. . . . I observed to the Count that it would be descending from the ground of independence to treat under the description of colonies. He replied that names signified little; that the King of Great Britain, styling himself King of France, was no obstacle of the King of France treating with him; that an acknowledgment of our independence instead of preceding must, in the natural course of things, be the effect of the treaty; and that it would be reasonable to expect the effect before the cause. He added that we must be mindful to exchange powers with Mr. Oswald, for that his acceptance of our powers in which we were styled Commissioners from the United States of

America would be a tacit admittance of our independence. I made but little reply to all this singular reasoning. The Count turned to Doctor Franklin and asked him what he thought of the matter. The Doctor said he believed the commission would do. He next asked my opinion. I told him that I did not like it, and that it was best to proceed cautiously.

On returning I could not forbear observing to Doctor Franklin that it was evident the Count did not wish to see our independence acknowledged by Britain until they had made all there was of us. It was easy for them to foresee difficulties in bringing Spain into a peace on moderate terms, and that if we once found ourselves standing on our own legs, our independence acknowledged, and all our own terms ready to be granted, we might not think it our duty to continue in the war for the attainment of Spanish objects, but on the contrary, as we were bound by treaty to continue the war till our independence should be obtained, it was the interest of France to postpone that event until their own views and those of Spain could be gratified by a peace, and that I could not otherwise account for ministers advising us to act in a manner inconsistent with our dignity, and for reasons which he himself had too much understanding not to see the fallacy of.

The Doctor imputed this conduct to the moderation of the minister and to his desire for removing every obstacle to speedy negotiation for peace. He observed that the Count had hitherto treated us very fairly, and that suspicions to their disadvantage should not be readily entertained. He also mentioned our instructions as further reasons for our acquiescing in the advice and opinions of the minister (p. 136).

A day or two later Jay had a long conversation with Oswald in regard to the commission, referring to the irritation it would cause in the States, and wrote: "I also urged in the strongest terms the great impropriety and consequently the utter impossibility of our ever treating with Great Britain on any other than on equal footing, and told him plainly that I would have no concern in any negotiation in which we were not considered as an independent people. Mr. Oswald upon this as upon every other occasion behaved in a candid and proper manner. . . . He wished his commission had been otherwise, but was at a loss how to reconcile it with the King's dignity to make *such* a declaration immediately after having issued *such* a commission. I pointed out the manner in which I

conceived it might be done ; he liked the thought and desired me to reduce it to writing. I did so and communicated it to Doctor Franklin."

The Doctor and Jay corrected the draft, Oswald approved of it, and communicated to Jay the fourth Article of his instruction as follows :

"In case you find the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession ; our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the Western Colonies."

Oswald despatched a courier to London to press the ministry for permission to acknowledge America's independence without delay. Doctor Franklin and Jay communicated to the Count de Vergennes the arrival of the first Commissioners under the great seal, and what had passed with Mr. Oswald. The Count renewed his argument in favor of their treating under the commission as it stood ; Oswald was advised by Mr. Secretary Townsend (September 1, 1782) of the receipt of his letters, without assenting to the proposition. Jay learned that the Count de Vergennes had told Fitzherbert that the first commission would do, and that Fitzherbert had so informed the Court, a circumstance to which Jay attributed the ill success of Oswald's application. "These considerations," wrote Jay, "induced me to explain to him what I supposed to be the natural policy of this Court on the subject, and to show him that it was the interest of Britain to render us as independent on France as we were resolved to be on her. He soon adopted the same opinion, but was at a loss to see in what manner Great Britain, considering what had just passed, could consistently take further steps at present. I told him that nothing was more easy, for that the issuing of another commission would do it."

Oswald asked Jay to put this in writing, which he did as follows :

"A commission (in the usual form) to Richard Oswald to treat of peace or truce with Commissioners vested with equal power by and on behalf of THE UNITED STATES OF AMERICA, would remove the objection to which the present one is liable, and render it proper for the American Commissioners to treat with him on the subject of preliminaries."

Jay then reminded Oswald of the several resolutions of Congress at different periods not to treat on any other footing than that of

absolute independence, and intimated that he thought it would be best to give this their final and decided determination not to treat otherwise, in writing in that form of a letter.

The next day he prepared the following :

THE DRAFT LETTER TO OSWALD DECLINING TO NEGOTIATE EXCEPT
ON A FOOTING OF INDEPENDENCE.

SIR—It is with regret that we find ourselves obliged by our duty to our country to object to entering with you into negotiations for peace on the plan proposed. One nation can treat with another nation only on terms of equality ; and it cannot be expected that we should be the first and only servants of Congress who would admit doubts of their independence.

The tenor of your commission affords matter for a variety of objections which your good sense will save us the pain of enumerating. The journals of Congress present to you unequivocal and uniform evidence of the sentiments and resolutions of Congress on the subject, and their positive instructions to us to speak the same language.

The manner of removing these obstacles is obvious, and in our opinion no less consistent with the dignity than the interest of Great Britain. If the Parliament meant to enable the King to conclude a peace with us on terms of independence, they necessarily meant to enable him to do it in a manner compatible with his dignity ; and consequently that he should previously regard us in a point of view that would render it proper for him to negotiate with us. What this point of view is you need not be informed.

We also take the liberty of submitting to your consideration how far his Majesty's now declining to take this step would comport with the assurance lately given on that subject, and whether hesitation and delay would not tend to lessen the confidence which those assurances were calculated to inspire.

As to referring an acknowledgment of our independence to the first article of a treaty, permit us to remark, that this implies that we are not to be considered in that light until after the conclusion of the treaty, and our acquiescing would be to admit the propriety of our being considered in another light during that interval. Had this circumstance been attended to, we presume that the Court of Great Britain would not have pressed a measure which certainly is not del-

icate, and which cannot be reconciled with the received ideas of national honor.

You may rest assured, sir, of our disposition to peace on reasonable terms, and of our readiness to enter seriously into negotiations for it, as soon as we shall have an opportunity of doing it in the only manner in which it is possible for one nation to treat with another, viz., on an equal footing.

Had you been commissioned in the usual manner, we might have proceeded ; and as we can perceive no legal or other objection to this, or some other such like expedient, it is to be wished that his Majesty will not permit an obstacle so very unimportant to Great Britain, but so essential and insuperable with respect to us, to delay the re-establishment of peace especially, and in case the business could be but once begun, the confidence we have in your candor and integrity would probably render the settling all our Articles only the work of a few hours.

We are, etc.

This draft was submitted to Doctor Franklin's consideration, who thought it too positive and therefore imprudent, and suggested a further difficulty from the instructions of Congress, as stated on page 33 and 34 of the Address. Neither of these had weight with Jay, who wrote, "As to the first, I could not conceive of any event which could render it proper, and, therefore, possible for America to treat in any other character than an independent nation ; and as to the second, I could not believe that Congress intended we should follow any advice which might be repugnant to their dignity and interest."

When Oswald again spoke to Jay of the letter, Jay told him that he had prepared a draft, but that on further consideration and consulting with Doctor Franklin, they thought it best not to take the liberty of troubling the Court with any arguments or reasonings which without our aid must be very evident to them.

Oswald seemed disappointed, and asked to see the draft, which he liked. He asked for a copy of it, but Jay doubting the propriety of this took time to consider. It appeared to him, on further reflection, that no bad consequences would arise from giving him a copy of the paper, that though unsigned it would nevertheless convey to the British ministry the sentiments and opinions he wished to impress, and that, if finally they should not be content to treat with us as in-

dependent, they were not ripe for peace or treaty with us. "Besides," wrote Jay, "I could not be persuaded that Great Britain, after what the House of Commons had declared, after what Mr. Grenville had said, and Sir Guy Carleton had been instructed to do, would persist in refusing to admit an independence, provided they really believed that we had firmly resolved not to treat on more humble terms."

A copy of the draft letter and of the resolutions of Congress were given to Oswald, who sent them by express to London, and the matter was not communicated to the Count de Vergennes.

Jay's conviction that the British ministry would yield the point of independence if they really believed the negotiation would not proceed without it, proved to be correct.

When soon after this Vaughan was sent to England by Jay to counteract the efforts of Rayneval to prejudice our claims to the fisheries and the boundaries, this seems to have been the chief question with the British Cabinet, and when the one question asked of Vaughan by Lord Shelburne, Is the new commission necessary? was answered in the affirmative, the new commission to treat with the United States of America was instantly ordered.

Seldom has the draft of an unsigned letter assisted in producing results of such historical importance.

APPENDIX G.

EXTRACTS FROM CORRESPONDENCE, CHIEFLY PERSONAL, BEARING ON THE PEACE NEGOTIATIONS.

GOUVERNEUR MORRIS TO JAY ON HIS APPOINTMENT AS ONE OF THE
COMMISSIONERS TO NEGOTIATE A PEACE.

(Morris, i., p. 237.)

PHILADELPHIA, June 17, 1781.

ALTHOUGH I believe myself thoroughly acquainted with you, yet I cannot tell whether I ought to congratulate or condole with you on your late appointment. Ere this reaches you, you will have learnt that you are on the part of this country one of the Commissioners for negotiating a peace. So far is well, but when you come to find by your instructions that you must ultimately obey the dictates of the French Minister, I am sure there is something in your bosom that will revolt at the servility of the situation. To have relaxed on all sides, to have given up all things, might easily have been expected from those minds which, softened by wealth and debased by fear, are unable to gain and unworthy to enjoy the blessings of freedom. But that the proud should prostitute the very little dignity this country was possessed of, would be indeed astonishing if we did not know the near alliance between pride and meanness.

JAY TO LIVINGSTON.

(Diplomatic Correspondence, viii., p. 126.)

PARIS, September 18, 1782.

I am persuaded (and you shall know my reasons for it) that this Court chooses to postpone an acknowledgment of our independence by Britain to the conclusion of a general peace, in order to keep us under their direction until not only their and our objects are obtained, but also until Spain shall be gratified in her demands to exclude everybody from the Gulf, etc. . . .

Count de Vergennes would have us treat with Mr. Oswald through his commission, calls us colonies, and authorizes him to treat with any description of men, etc. In my opinion we can only treat as an independent nation and on an equal footing. . . . This Court as well as Spain will dispute our extension to the Mississippi. . . . I ought to add that Doctor Franklin does not see the conduct of the Court in the light I do, and that he believes they mean nothing in their proceedings but what is friendly, fair, and honorable. Facts and future events must determine which of us is mistaken. . . . Let us be honest and grateful to France, but, let us think for ourselves.

JOHN JAY TO GOUVERNEUR MORRIS.

(Jay's Life, ii., p. 105.)

PARIS, October 13, 1782.

DEAR MORRIS—I have received your *festina lente* letter, but wish it had been at least partly in cipher. You need not be informed of my reasons for the wish, as by this time you must know that seals are, on this side of the water, rather matters of decoration than of use. It gave me nevertheless great pleasure to receive that letter, it being the first from you that had reached me, the Lord knows when. I find you are industrious, and of consequence, useful; so much the better for yourself, for the public, and for our friend Morris, whom I consider as the pillar of American credit.

The King of Great Britain, by letters patent under the great seal, has authorized Mr. Oswald to treat with the Commissioners of the *United States* of America. His first commission literally pursued the enabling act, and the authority it gave him was expressed in the very terms of that act, viz., to treat with the colonies, and with any or either of them, and any part of them, and with any description of men in them, and with any person whatsoever, of and concerning peace, etc.

Had I not violated the instructions of Congress, their dignity would have been in the dust; for the French Minister even took pains not only to persuade us to treat under that commission, but to prevent the second, by telling Fitzherbert that the first was sufficient. I told the minister that we neither could nor would treat with any nation in the world on any other than on an equal footing.

We may and we may not have a peace this winter. Act as if the war would certainly continue. Keep proper garrisons in your

strong posts, and preserve your army sufficiently numerous and well appointed until every idea of hostility and surprise shall have completely vanished.

I could write you a volume, but my health admits only of short intervals of application. . . .

(TRANSLATION.)

COUNT MONTMORIN TO JAY.

MADRID, February 22, 1783.

I do not think, my dear sir, that I could find a more suitable manner of sending you my compliments on the peace, or one that would be more agreeable to you, than in confiding them to M. le Marquis de la Fayette, who is your friend and your adopted countryman, and who will be numbered by posterity among those who have contributed the most to the great Revolution in which you were one of the principal actors, and which the peace has just completed.

I shall not speak of the feeling and inclinations of Spain: M. de la Fayette will tell you better than I what he has seen of them. He leaves here satisfied with what he has been shown, and I hope you also will be so. I shall have a very real satisfaction if I see harmony and a good understanding established between Spain and the United States of America, and I shall think myself very happy if I can contribute in any way to this end. You know my sentiments with regard to your country; they always have been and always will be the same.

M. de la Fayette is leaving immediately for Paris, and only gives me time to assure you of the perfect and unchangeable attachment with which I have the honor to be, my dear sir, your most humble and obedient servant,

MONTMORIN.

Pray allow me herewith to send to Mrs. Jay the assurance of my respect.

JAY TO ROBERT R. LIVINGSTON.

PARIS, December 14, 1782.

DEAR SIR—From our preliminaries and the King's speech, the present disposition and system of the British Court may, in my opinion, be collected. Although particular circumstances constrained them to yield us more than perhaps they wished, I still think they meant to make (what they thought would really be) a satisfactory peace with us. In the continuance of this disposition and system

too much confidence ought not to be placed, for disappointed violence and mortified ambition are certainly dangerous foundations to build implicit confidence upon ; but I cannot forbear thinking that we ought not, in the common phrase, to throw cold water upon it by improper exultation, extravagant demands, or illiberal publications. Should such a temper appear, it would be wise to discountenance it. It is our policy to be independent in the most extensive sense, and to observe a proper distance toward all nations, minding our own business and not interfering with, or being influenced by, the views of any further than they may respect us.

. . . Our affairs have a very promising aspect, and a little prudence will secure us all that we can reasonably expect. The boundaries between the States should be immediately settled, and all causes of discord between them removed. It would be imprudent to disband the army while a foreign one remains in the country ; and it would be equally unwise to permit Americans to spill the blood of our friends in the islands, for in all of them there are many who wish us well. . . .

ROBERT MORRIS TO JOHN JAY.

PHILADELPHIA, January 3, 1783.

DEAR SIR— . . . I cannot take time at present to enter on any political discussions. But you must allow me to declare my perfect satisfaction in, and approbation of, your conduct in Europe. All who have had the opportunity of knowing what it has been are struck with admiration at your patience under difficulties and your firmness in rising superior to them. Go on, my friend ; you deserve and will receive the gratitude of your country. History will hand down your plaudits to posterity. The men of the present day, who are generally least grateful to their contemporaries, esteem it an honor to be of your acquaintance.

I am sorry to hear that Mrs. Jay and yourself have been indisposed, but I hope you are recovered and partaking the enjoyments of this season with the gay, sprightly inhabitants of Versailles and Paris. My best wishes ever attend you. . . .

JAY TO THE MARQUIS DE LAFAYETTE.

ROUEN, January 19, 1783.

. . . If I am not mistaken, a copy of the American preliminaries has been sent to Spain, and I flatter myself that Count de

Montmorin will think them perfectly consistent with our engagements to our allies. It appears to me singular that any doubts should be entertained of American good faith, for as it has been tried and remains inviolate they cannot easily be explained on principles honorable to those who entertain them. America has so often repeated and reiterated her professions and assurances of regard to the treaty alluded to that I hope she will not impair her dignity by making any more of them, but leave the continued uprightness of her conduct to inspire that confidence which it seems she does not yet possess although she has always merited.

Our warmest acknowledgments are due to you for the zeal you manifest to serve America at all times and in all places, but, sir, I have little expectation that your plan of a Spanish loan will succeed. I confess that I am far from being anxious about it. In my opinion America can with no propriety accept favors from Spain. . . .

JOHN JAY TO BENJAMIN VAUGHAN, ESQ.

PARIS, March 28, 1783.

. . . So far as the peace respects France and America, I am persuaded it was wise in Britain to conclude it. The cessions to France are not, in my opinion, extravagant, and the terms settled with America, by removing all causes of future variance, certainly lead to conciliation and friendship.

It appears to me that the discussion of this subject might have been more ample and satisfactory. Why was not Parliament told of our offers as to commerce and the mutual navigation of the American waters? The word *reciprocity* would not then have been deemed so nugatory.

We have received particular instructions on the business of commerce, and Mr. Fitzherbert has been informed of our readiness to add to the provisional treaty an article for opening and regulating trade between us on principles as liberal and reciprocal as you please. What more can be said or done? Mr. Pitt's bill was a good one, a wise one, and one that will for ever do honor to the extent and policy of his views, and to those of the administration under whose auspices it was formed. For my own part, however, I think that America need not be exceedingly anxious about the matter, for it will be in our power to derive from a navigation act of our own full as many advantages as we should lose by the restrictions of your laws.

The objections drawn from your treaties with Russia, etc., appear to me weak and have been answered ; but why not give them similar terms on similar conditions ? They furnish you with raw materials chiefly and you them with manufactures only ; the gain, therefore, must be yours. With respect to carriage and navigation they stand in a very different predicament from us.

As to the Tories who have received damage from us, why so much noise about *them*, and so little said or thought of Whigs who have suffered ten times as much from these same Tories, not to mention the desolations of an unjust and licentious war ?

We forget our sufferings and even agree to recommend to favor a set of men of whom very few would consider the having their deserts in the light of a blessing. How does reciprocity stand in this account ?

Some, it seems, think that New York should be retained as a rod to drive us on in this business of the Tories. Strange that the idea of driving us should still be entertained. I pledge myself to you that should such a design be adopted and become apparent, the refugees will get nothing, and the progress of reconciliation will be as slow as the warmest Gallican could wish.

I hear there is to be a congress here ; that is, that Britain and France have requested the two imperial Courts to send mediatorial ambassadors here for the purpose of being witnesses to the execution of the definite treaties—a very important errand, no doubt, and very complimentary to those sovereigns. Is it probable that a congress should be called for that poor, single, simple purpose ? Why your Court agreed to it is hard to conceive.

I have written to my countrymen that Lord Shelburne's system respecting them appeared to me to be liberal and conciliatory, but that his hesitations about *avowing* the acknowledgment of our independence discouraged extensive confidence without further facts. I always think it best to be candid and explicit. I hope we shall soon be in the full possession of our country and of peace, and as we expect to have no further cause of quarrel with Great Britain, we can have no inducement to wish or to do her injury ; on the contrary, we may become as sensible to her future good offices as we have been to her former evil ones. A little good-natured wisdom often does more in politics than much slippery craft. By the former the French acquired the esteem and gratitude of America, and by the latter their minister is impairing it. . . .

. . . Mrs. Jay charges me to say civil things to you. You are a favorite of hers and deserve to be so of everybody. . . . I must not, however, forget my worthy friend Mr. Oswald. He deserves well of his country, and posterity will not only approve but commend his conduct. Assure him of my esteem and attachment. . . .

JOHN JAY TO GEORGE WASHINGTON.

PASSY, June 13, 1783.

MY DEAR SIR—I have, within these few days past, read and admired your address to the army and their proceedings in consequence of it. Such instances of patriotism are rare, and America must find it difficult to express, in adequate terms, the gratitude she owes to both. Such a degree of glory, so virtuously acquired and so decently sustained, is as new as our political constellation and will forever give lustre to it. May every blessing be yours.

Mr. Hartley has just informed me that orders have been sent to the British commander-in-chief to evacuate the United States. Our attention will then, I hope, be turned to the preservation and improvement of what we have gained; and a sense of the importance of that task leads me to wish that the execution of it may be facilitated by your counsels and application.

JOHN JAY TO GOUVERNEUR MORRIS.

PASSY, July 17, 1783.

. . . Orders are gone to evacuate New York. The present British Ministry are duped, I believe, by an opinion of our not having decision and energy sufficient to regulate our trade so as to retaliate their restrictions. Our ports were opened too soon. Let us, however, be temperate as well as firm.

Our friend Morris, I suspect, is not a favorite of this Court. They say he treats them as his cashier. They refuse absolutely to supply more money. Marbois writes tittle-tattle, and I believe does mischief. Congress certainly should remove to some interior town, and they should send a minister forthwith to England. The French ambassador at Petersburg has thrown cold water on Dana's being received before a peace.

The ministers of this Court are qualified to act the part of Proteus. The nation, I think, is with us, and the King seems to be well disposed. Adieu.

JAY TO GOVERNOR LIVINGSTON.

PASSY, July 19, 1783.

. . . I am happy to hear that the Provisional Articles meet with general approbation. The Tories will doubtless cause some difficulty, but that they have always done, and as this will probably be the last time, we must make the best of it. A universal indiscriminate condemnation and expulsion of those people would not redound to our honor, because so harsh a measure would partake more of vengeance than of justice. For my part, I wish that all except the *faithless and the cruel* may be forgiven. That exception would indeed extend to very few; but even if it applied to the case of one only, that one ought, in my opinion, to be saved.

The reluctance with which the States in general pay the necessary taxes is much to be regretted. It injures both their reputation and interest abroad as well as at home, and tends to cherish the hopes and speculations of those who wish we may become and remain an unimportant, divided people. The rising power of America is a serious object of apprehension to more than one nation, and every event that may retard it will be agreeable to them. A continental, national spirit should therefore pervade our country, and Congress should be enabled, by a grant of the necessary powers, to regulate the commerce and general concerns of the confederacy; and we should remember that to be constantly prepared for war is the only way to have peace. The Swiss on the one hand and the Dutch on the other bear testimony to the truth of this remark.

The General and the army have, by their late moderation, done themselves infinite honor; and it is to be hoped that the States will not only be just, but generous to those brave and virtuous citizens. America is at present held in a very respectable point of view, but as the eyes of the world are upon her, the continuance of that consideration will depend on the dignity and wisdom of her conduct. . . .

JOHN JAY TO R. R. LIVINGSTON.

(Jay's Life, i., p. 174.)

PASSY, July 19, 1783.

DEAR ROBERT—Our despatches by Barney must be ready the day after to-morrow. The many letters I have written and have still to write by him, together with conferences, company, etc., keep

me fully employed. You will, therefore, excuse my not descending so much to particulars as both of us indeed might wish. As little that passes in Congress is kept entirely secret, we think it prudent at least to postpone giving you a more minute detail than you have already received, of the reasons which induced us to sign the Provisional Articles without previously communicating them to the French Minister. For your private satisfaction, however, I will make a few remarks on that subject.

Your doubts respecting the propriety of our conduct in that instance appear to have arisen from the following circumstances, viz. :

First.—That we entertained and were influenced by distrusts and suspicions which do not seem to you to have been altogether well founded.

Second.—That we signed the articles without previously communicating them to this Court.

With respect to the first: In our negotiation with the British Commissioner it was essential to insist on and, if possible, obtain his consent to four important concessions.

1. That Britain should treat with us as being what we were, viz., an independent people. The French Minister thought this demand premature, and that it ought to arise from, and not precede, the treaty.

2. That Britain should agree to the extent of boundary we claimed. The French Minister thought our demands on that head extravagant in themselves, and as militating against certain views of Spain which he was disposed to favor.

3. That Britain should admit our right in common to the fishery. The French Minister thought this demand too extensive.

4. That Britain should not insist on our reinstating the Tories. The French Minister argued that they ought to be reinstated.

Was it unnatural for us to conclude from these facts that the French Minister was opposed to our succeeding on these four great points in the extent we wished? It appeared evident that his plan of a treaty for America was far from being such as America would have preferred; and as we disapproved of his model, we thought it imprudent to give him an opportunity of moulding our treaty by it. Whether the minister was influenced by what he really thought best for us, or by what he really thought would be best for France, is a question which, however easy or difficult to decide, is not very im-

portant to the point under consideration. Whatever his motives may have been, certain it is that they were such as opposed our system ; and as in private life it is deemed imprudent to admit opponents to full confidence, especially respecting the very matters in competition, so in public affairs the like caution seems equally proper.

Secondly.—But admitting the force of this reasoning, why, when the articles were completed, did we not communicate them to the French Minister before we proceeded to sign them ? For the following reasons :

The expectations excited in England by Lord Shelburne's friends, that he would put a speedy period to the war, made it necessary for him either to realize those expectations or prepare to quit his place. The Parliament being to meet before his negotiations with us were concluded, he found it expedient to adjourn it for a short term, in hopes of then meeting it with all the advantages that might be expected from a favorable issue of the negotiation. Hence it was his interest to draw it to a close before that adjournment should expire ; and to obtain that end both he and his Commissioner became less tenacious on certain points than they would otherwise have been. Nay, we have, and then had, good reason to believe that the latitude allowed by the British Cabinet for the exercise of discretion was exceeded on that occasion.

I must now remind you that the King of Great Britain had pledged himself, in Mr. Oswald's commission, to confirm and ratify *not* what Mr. Oswald should *verbally agree to*, but what he should *formally sign his name and affix his seal to*.

Had we communicated the articles, when ready for signing, to the French Minister, he doubtless would have complimented us on the terms of them ; but at the same time he would have insisted on our postponing the signature until the articles then preparing between France, Spain, and Britain should also be ready for signing—he having often intimated to us that we should all sign at the same time and place.

This would have exposed us to a disagreeable dilemma. Had we agreed to postpone signing the articles the British Cabinet might, and probably would, have taken advantage of it. They might, if better prospects had offered, have insisted that the articles were still *res infecta*, that Mr. Oswald had exceeded the limits of his instructions, and for both these reasons that they conceived themselves

still at liberty to depart from his opinions and to forbid his executing, as their Commissioner, a set of articles which they could not approve of.

It is true that this might not have happened, but it is equally true that it might; and therefore it was a risk of too great importance to be run. The whole business would, in that case, have been set afloat again, and the minister of France would have had an opportunity at least of approving the objections of the British Court and of advising us to recede from demands which in his opinion were immoderate and too inconsistent with the claims of Spain to meet with his concurrence.

If, on the other hand, we had, contrary to his advice and request, refused to postpone the signing, it is natural to suppose that such refusal would have given more offence to the French Minister than our doing it without consulting him at all about the matter.

Our withholding from him the knowledge of these articles until after they were signed was no violation of our treaty with France, and therefore she has no room for complaint, on that principle, against the United States.

Congress had indeed made and published a resolution not to make peace but in confidence and concurrence with France.

So far as this resolution declares against a separate peace, it has been incontestably observed; and admitting that the words "in confidence and in concurrence with France" mean that we should mention to the French Minister and consult with him about every step of our proceedings, yet it is most certain that it was founded on a mutual understanding that France would patronize our demands and assist us in obtaining the objects of them. France, therefore, by discouraging our claims ceased to be entitled to the degree of confidence respecting them which was specified in the resolution.

It may be said that France must admit the reasonableness of our claims before we could properly expect that she should promote them. She knew what were our claims before the negotiation commenced, though she could only conjecture what reception they would meet with from Britain. If she thought our claims extravagant, she may be excusable for not countenancing them in their full extent; but then we ought also to be excused for not giving her the full confidence on those subjects which was promised on the implied condition of her supporting them.

But Congress positively instructed us to do nothing without the

advice and consent of the French Minister, and we have departed from that line of conduct. This is also true; but then I apprehend that Congress marked out that line of conduct for their own sake, and not for the sake of France. The object of that instruction was the supposed interest of America, and not of France; and we were directed to ask the advice of the French Minister because it was thought advantageous to our country that we should receive and be governed by it. Congress only, therefore, have a right to complain of our departure from the line of that instruction.

If it be urged that confidence ought to subsist between allies, I have only to remark that, as the French Minister did not consult us about his articles, nor make us any communication about them, our giving him as little trouble about ours did not violate any principle of reciprocity.

Our joint letter to you by Captain Barney contains an explanation of our conduct respecting the separate article. . . .

BENJAMIN FRANKLIN TO JOHN JAY.

PASSY, September 10, 1783.

SIR—I have received a letter from a very respectable person in America containing the following words, viz. :

“It is confidently reported, propagated, and believed by some among us that the Court of France was at bottom against our obtaining the fishery and territory in that great extent in which both are secured to us by the treaty; that our minister at that Court favored or did not oppose this design against us; and that it was entirely owing to the firmness, sagacity, and disinterestedness of Mr. Adams, with whom Mr. Jay united, that we have obtained these important advantages.”

It is not my purpose to dispute any share of the honor of that treaty which the friends of my colleagues may be disposed to give them, but having now spent fifty years of my life in public offices and trusts, and having still one ambition left—that of carrying the character of fidelity at least to the grave with me—I cannot allow that I was behind any of them in zeal and faithfulness. I therefore think that I ought not to suffer an accusation which falls little short of treason to my country to pass without notice when the means of effectual vindication are at hand. You, sir, was a witness of my conduct in that affair. To you and my other colleagues I appeal by sending a similar letter with this, and I have no doubt of your

readiness to do a brother Commissioner justice by certificates that will entirely destroy the effect of that accusation.

JOHN JAY TO BENJAMIN FRANKLIN.

PASSY, September 11, 1783.

SIR—I have been favored with your letter of yesterday and will answer it explicitly.

I have no reason whatever to believe that you was averse to our obtaining the full extent of boundary and fishery secured to us by the treaty. Your conduct respecting them throughout the negotiation indicated a strong and a steady attachment to both these objects, and in my opinion promoted the attainment of them.

I remember that in a conversation which M. de Rayneval, the First Secretary of Count de Vergennes, had with you and me in the summer of 1782 you contended for our full right to the fishery and argued it on various principles.

Your letters to me, when in Spain, considered our territory as extending to the Mississippi, and expressed your opinion against ceding the navigation of that river in very strong and pointed terms.

In short, sir, I do not recollect the least difference in sentiment between us respecting the boundaries or fisheries; on the contrary, we were unanimous and united in adhering to and insisting on them; nor did I ever perceive the least disposition in either of us to recede from our claims or be satisfied with less than we obtained.

JOHN JAY TO ROBERT MORRIS.

PASSY, July 20, 1783.

. . . The loan in Holland goes on, and from that quarter your bills must be saved, if at all. Mr. Adams set out for Amsterdam the day before yesterday and will push on that business. If the Dutch began to draw benefit from our trade they would lend more cheerfully.

The British Ministry have not yet authorized Mr. Hartley to consent to anything as to commerce. They amuse him and us and deceive themselves. I told him yesterday that they would find us like a globe—not to be overset. They wish to be the only carriers between their islands and other countries; and though they are apprized of our right to regulate our trade as we please, yet I suspect they flatter themselves that the different States possess too little of

a national or continental spirit ever to agree in any one national system. I think they will find themselves mistaken.

FRANKLIN TO LIVINGSTON.

(Dip. Corresp., iv., pp. 138-9.)

JULY 23, 1783.

. . . I will only add that with respect to myself, neither the letter from Monsieur Marbois, handed in through the British negotiators (a suspicious channel), nor the conversation concerning the fishery, the boundaries, the royalists, etc., recommending moderation in our demands, are of weight sufficient in my mind to fix an opinion that this Court wished to restrain us in obtaining any degree of advantage we could prevail on our enemies to accord, since these discourses are fairly resolvable by supposing—a very natural apprehension—that we, relying too much on the ability of France to continue the war in our favor, might insist on more advantages than the English would be willing to grant, and thereby lose the opportunity of making peace, so necessary to all our friends.

THE COUNT DE VERGENNES TO M. DE LA LUZERNE.

JULY 21, 1783.

After remarking that what would suit them best was that "the United States may not assume the political consistency of which they are capable," and referring disapprovingly to England's cession to the United States of the navigation of the Mississippi, the Count expressed his regret at learning that Franklin had requested his recall, adding, in words to which his secret correspondence in regard to the peace negotiation give no little significance: "I wish Congress might reject it, at least for the present, for it would be impossible to give Mr. Franklin a successor so wise and so conciliating as himself. Besides, I should be afraid lest they should leave us Mr. Jay; and this is the man with whom I should like least to treat of affairs. He is an egoist, and far too accessible to prejudices and humor. We are much occupied with everything relative to our commerce with America, and we feel more than ever the necessity of granting it encouragements and favors." *

* Bancroft's Const. History, i., p. 325.

[FRANKLIN TO R. R. LIVINGSTON.

(Franklin, ix., p. 582.)

PASSY, July 22, 1783.

I shall now answer yours of March 26th, May 9th, and May 31st.* It gave me great pleasure to learn by the first that the news of peace diffused general satisfaction. I will not now take it upon me to justify the apparent reserve respecting this Court which you disapprove. We have touched upon it in our general letter.† I do not see, however, that they have much reason to complain of that transaction. Nothing was stipulated to their prejudice, and none of the stipulations were to have force but by a subsequent act of their own. I suppose, indeed, that they have not complained of it or you would have sent us a copy of the complaint that we might have answered it. I long since satisfied Count de Vergennes about it here. We did what appeared to us best at the time, and if we have done wrong Congress will do right, after hearing us, to censure. Their nomination of five persons to the service seems to mark that they had some dependence on our joint judgment, since one alone could have made a treaty by direction of the French Ministry as well as twenty.

ALEXANDER HAMILTON TO JAY.

PHILADELPHIA, July 25, 1783.

. . . I have been witness with pleasure to every event which has had a tendency to advance you in the esteem of your country, and I may assure you with sincerity that it is as high as you could possibly wish. All have united in the warmest approbation of your conduct. I cannot forbear telling you this, because my situation has given me access to the truth, and I gratify my friendship for you in communicating what cannot fail to gratify your sensibility.

The peace, which exceeds in the goodness of its terms the expectations of the most sanguine, does the highest honor to those who made it. It is the more agreeable as the time has come when thinking men began to be seriously alarmed at the internal embarrassments and exhausted state of this country. The New England people talk

* Dip. Corres., xiv., pp. 84, 107, 109.

† Ibid., x., p. 187.

of making you an annual *fish-offering*, as an acknowledgment of your exertions for the participation of the fisheries.

We have now happily concluded the great work of independence, but much remains to be done to reap the fruits of it. Our prospects are not flattering. Every day proves *the inefficacy of the present confederation*, yet the common danger being removed, we are receding instead of advancing in a disposition to amend its defects.

. . . After having served in the field during the war, I have been making a short apprenticeship in Congress ; but the evacuation of New York approaching, I am preparing to take leave of public life, to enter into the practice of the law. Your country will continue to demand your services abroad. . . .

JOHN JAY TO COL. ALEXANDER HAMILTON.

PASSY, September 28, 1783.

. . . I am happy to hear that the terms of peace and the conduct of your negotiators give general satisfaction ; but there are some of our countrymen, it seems, who are not content, and that, too, with an article which I thought to be very unexceptional, viz., the one ascertaining our boundaries. Perhaps those gentlemen are latitudinarians.

The American newspapers for some months past contain advices that do us harm . . . and impeach our good faith in the opinions of some and our magnanimity in the opinions of many. Our reputation also suffers from the apparent reluctance to taxes and the ease with which we incur debts without providing for their payment. The complaints of the army, the jealousies respecting Congress, the circumstances which induced their leaving Philadelphia, and the too little appearance of a national spirit, pervading, uniting, and invigorating the confederacy, are considered as omens which portend the diminution of our respectability, power, and felicity. I hope that as the wheel turns round other and better indications will soon appear. I am persuaded that America possesses too much wisdom and virtue to permit her brilliant prospects to fade away for the want of either. But whatever time may produce, certain it is that our reputation and our affairs suffer from present appearances.

The Tories are as much pitied in these countries as they are execrated in ours. An undue degree of severity toward them would therefore be impolitic as well as unjustifiable. . . .

. . . Victory and peace should, in my opinion, be followed

by clemency, moderation, and benevolence, and we should be careful not to sully the glory of the Revolution by licentiousness and cruelty. These are my sentiments, and however unpopular they may be, I have not the least desire to conceal or disguise them. . . .

JOHN JAY TO GOUVERNEUR MORRIS.

PASSY, September 24, 1783.

. . . You have heard that the Ottoman and Russian empires are on the point of unsheathing the sword. The objects of the contest are more easy to discern than the issue ; but if Russia should extend her navigation to Constantinople we may be the better for it. That circumstance is an additional motive to our forming a treaty of commerce with her. Your commercial and geographical knowledge render it unnecessary for me to enlarge on this subject. But whatever we may have to do abroad, it is of little consequence when compared to what we have to do at home.

I am perfectly convinced that no time is to be lost in raising and maintaining a national spirit in America. *Power to govern the confederacy, as to all general purposes, should be granted and exercised.* The governments of the different States should be wound up and become vigorous. America is beheld with jealousy, and jealousy is seldom idle. Settle your boundaries without delay. It is better that some improper limits should be fixed than any left in dispute. In a word, everything conducive to union and constitutional energy of government should be cultivated, cherished, and protected, and all counsels and measures of a contrary complexion should at least be suspected of impolitic views and objects.

The rapid progress of luxury at Philadelphia is a frequent topic of conversation here ; and what is a little remarkable, I have not heard a single person speak of it in terms of approbation.

ROBERT MORRIS TO JOHN JAY.

PHILADELPHIA, November 27, 1783.

MY DEAR SIR—I congratulate you on the signing of the definite treaty, and on the evacuation of New York, which took place on Tuesday. . . .

. . . We are dismissing the remains of our army and getting rid of expense, so that I hope to see the end of my engagement be-

fore next May, but I doubt whether it will be in my power to observe that punctuality in performing them which I wish and have constantly aimed at.

I am sending some ships to China in order to encourage others in the adventurous pursuits of commerce, and I wish to see a foundation laid for an American navy.

OTTO TO VERGENNES.

(Bancroft's Const. History, pp. 479, 480.)

JANUARY 10, 1786.

The political importance of Mr. Jay increases daily. Congress seems to me to be guided only by his directions, and it is as difficult to obtain anything without the co-operation of that minister as to bring about the rejection of a measure proposed by him. . . . It is very unfortunate for us that for a place so important the choice of Congress should have fallen upon the very man who does not love us. The affair of the fisheries still lies heavy upon his heart. For the rest, whatever the prejudices of this minister toward us may be, I cannot deny that there are few men in America better able to fill the place which he occupies. The veneration with which he has inspired almost all members of Congress proves more than anything else that even the jealousy so inseparable from the American character has not prevailed against him, and that he is as prudent in his conduct as he is firm and resolute in his political principles and in his coolness toward France.

APPENDIX H.

AN ERROR CORRECTED.

LORD EDMOND FITZMAURICE, in his "Life of Shelburne" (iii., 252), says :

"Jay also intimated, in order to alarm Oswald, that he was about to sign a treaty of commerce and alliance with Spain, containing claims in regard to the conclusion of peace of a character similar to those in the treaty with France."

There seems to be an error here which I think deserves correction. The intimation was given by Franklin to Oswald, and was communicated by Oswald to Townsend on August 5, 1782. In one of the despatches quoted in a note Mr. Oswald wrote :

". . . About a week past, when I was with the Doctor [Franklin], and having told him I had waited on Mr. Jay, and happening to say I thought him a good-natured man, the doctor replied he was so, and also a man of good sense; that he had been ill but was now recovering, and at present was busy with the Spanish ambassador; that while at Madrid he had been trying to conclude a treaty with Spain, but they had delayed and put him off from time to time, so that he was at last obliged to quit Spain and repair to Paris to join him; but that now the Court of Spain had sent to their ambassador here all power to conclude.

"I asked the Doctor what sort of treaty it was. He said a treaty of commerce, and after a short hesitation added alliance, and at last said it was just the same kind of treaty as they had with France. I said no doubt it was so and made no further observation.

"This information came from the Doctor in the easy way of conversation, as any matter of less importance would have passed; yet I imagined with a view of its being properly marked and communicated, and most likely also with the same intention, as on former occasions, of showing the expediency of getting on with the business."

APPENDIX I.

NOTE OF THE DEBATES ON THE PEACE IN THE HOUSE OF COMMONS, FEBRUARY, 1783, AS CONFIRMATORY OF THE WISDOM OF THE AMERICAN COMMISSIONERS.

IN the Congressional Library at Washington may be found "A Full and Faithful Report of the Debates in both Houses of Parliament on Monday, February 17, and Friday, 21, 1783, on the Articles of Peace. London: Printed for S. Bladon, 13 Paternoster Row."

See also the "Parliamentary History," vol. xxiii., for the debate in the Lords, pp. 373-435, and that in the Commons, pp. 436-498.

The House of Commons, February 17, 1783, was more crowded than had been known for many years, more than four hundred and fifty members being in the house at one time.

Mr. Thomas Pitt rose to move the Address, after the clerk at the table had read the Articles of Peace with France and Spain, and the Provisional Articles with America.

Mr. Pitt showed that the interest on the public debt was increased from less than four and a half millions at the beginning of Lord North's war, to near nine and a half millions at the present time; that this six-year war had cost us, therefore, considerably more than all the successes of the Duke of Marlborough and Lord Chat-ham, and all the wars put together from the time of the Revolution for near a century. Mr. Pitt moved the address to express "our satisfaction that his Majesty has, in consequence of the power entrusted to him, laid the foundation by the Provisional Articles with the States of North America for a treaty of peace which we trust will insure perfect reconciliation and friendship between the two countries."

Mr. Wilberforce seconded the motion.

He regretted and dwelt with intense emotion on the part relative to the loyalists, but concluded by expressing the hearty approbation of the peace and of the motion which he rose to second.

Lord John Cavendish moved an amendment of "will consider" instead of "have considered," which Mr. St. John seconded.

Lord North said that unsuccessful as we had been in the war with America, he was certainly prepared for concessions and sacrifices, but he was free to say that the concessions which were made had surpassed those which he had ever had in contemplation in the most calamitous state of affairs. . . . He had never dreamed of those concessions which were now to be made.

He condemned the treatment of the loyalists and the concession of the fisheries, which was without reciprocity, for they were not secured the right of fishing, which they used formerly to have on the coast of America.

Mr. Powys spoke for the original motion.

Lord Mulgrave said since the peace was made he would abide by it.

Mr. Geo. Townsend defended the treaty and said: "In regard to the boundaries of Canada, had they been left in the situation they were prior to the provisional treaty, they would have been an eternal bone of contention between us and Canada, because some of the boundaries of the colonies were included in those of Canada."

Mr. Burke said he never heard in the course of his life anything so ridiculous as the defence set up by the honorable gentlemen in support of the peace.

He declared solemnly on the whole that the articles were so degrading as to merit obliteration, if it were possible to effect it, out of the history of the country (page 38).

The Lord Advocate was very warm in his panegyric on ministers and strenuous in the approval of the peace. He was very pointed on the noble lord in the blue ribbon, and Mr. Fox, on their supposed confederacy and coalition, and on the warmth of their zeal in the honeymoon of their loves.

Gov. Johnston declared the peace unwise, unpolitic, and to the last degree dishonorable.

He recognized the right of the Crown to make peace, but contended that the cession of any part of the dominion of this country was not constitutional in the Crown.

Mr. Sheridan held that the treaty was of the most disgraceful na-

ture and relinquished everything that was glorious and great in this country (page 46).

Among the other speakers were Mr. Banker, for the address; Sir Wm. Dreben, who was against the right of cession of territory; Mr. Mansfield; Sir Francis Basset; Mr. James Grenville; Mr. Fox, who said, "It was everywhere concession;" Mr. Chancellor Pitt, who spoke for the address; and Mr. Sheridan, who replied. The result was:

Ayes for amendment	224
Nays	208
	<hr/>
A majority against the ministers of....	16

On the same day, February 17th, the debate took place in the House of Lords, where there were present one hundred and forty-five more persons than had been present before during the reign of George III. Lord Pembroke and Lord Carmarthen were the mover and seconder of the address, and Lord Carlisle the mover of the amendment. Lord Edmond Fitzmaurice, in his "Life of Shelburne" (iii., 346), says:

"The chief supporters of the amendment in the House of Lords were Lord Townsend, Lord Stormont, Lord Sackville, Lord Walsingham, Lord Keppel, and Lord Loughborough. Against them were ranged the Duke of Grafton, Lord Grantham, Lord Howe, the successor of Lord Keppel at the Admiralty, Lord Shelburne, and the Chancellor. The Duke of Richmond expressed himself dissatisfied with the preliminaries, but refused to vote against them; Lord Gower adopted a similar course.

"The principal points selected for attack in the American treaty were the boundary line between the two countries throughout its whole length, the clause relating to the fisheries, and the alleged neglect of the loyalists.* In the French and Spanish treaties hardly a clause,

* Mr. Lecky, in his History of England (vol. iv., 287, 289, quoting Sabine's American Loyalists, pp. 86 and 87, and Jones' History of New York, ii., 259, 268, 500, 509, and Wilmot's Historical View of the Commission for Inquiring into the Losses and Claims of the Loyalists, pp. 15-16), estimates the loyal emigrants to Nova Scotia and New Brunswick alone at 35,000, and the total number of refugee not much less than 100,000. In 1787, and for some years later, England paid more than £40,000 a year to 315 persons. Later additional sums were voted in annuities and half-pay, besides grants of land. In 1790 the claimants in England, Nova Scotia, New Brunswick, and Canada were 5,072, of whom 954

except that relating to Minorca, remained unchallenged. The national interests, it was declared, had been entirely abandoned; the fleet, it was alleged, especially by Keppel, had never been in so efficient a condition, and the glorious recollections of 1763 were evoked to put to shame the negotiators and the ministers of 1782, who, it was further asserted, had no right to sign the treaty without consulting Parliament. The condition of the finances of the country was too prosaic a subject to be deemed worthy of much attention by the excited critics of the day.

"The debate in the House of Lords continued till a very early hour of the following morning. Late at night Shelburne rose to reply to the objections which had been urged against the treaty. He began by dwelling on the difficulty of the position at the moment he was called to the head of affairs, and pointed out how numerous and intricate the questions which he was called to consider. . . . As to the cession of the back lands of Canada, he showed that, considering the small amount of their exports and imports, it was preposterous to argue that their loss would ruin the trade of England, while it should be recollected that the best fur districts were in the country which was retained. . . . 'What then,' he said, 'is the result of this part of the treaty? Why, this: you have given America, with whom every call under heaven urges you to stand on the footing of brethren, a share in a trade the monopoly of which you sordidly preserved to yourselves at the loss of the enormous sum of £750,000. Monopolies, some way or other, are ever justly punished. They forbid rivalry, and rivalry is the very essence of the well-being of trade. This seems to be the era of Protestantism in trade. . . . If there is any nation under heaven which ought to be the first to reject monopoly, it is the English. Situated as we are, between the old world and the new, and between Northern and Southern Europe, all we ought to covet upon earth is free trade and fair equality.' . . . On the question of the loyalists Shelburne appealed to his own past conduct as a proof that he was not likely to have neglected their interests. Lord Sackville, he said, had declared his belief that the recommendation of Congress on their behalf would prove of no avail; but the word 'recommendation' was that which

either withdrew or failed to establish their claims, and among the remainder £3,110,000 was distributed. Comparing the number of *bona fide* claimants in 1790 with the estimate of 100,000 refugees, the latter would seem to be exaggerated.

Congress had always used to the provincial assemblies in all their measures relating to money and men. It was difficult, from the nature of the Constitution of the United States, to procure more than a recommendation. . . . In reply to the question, 'Why have you given America the freedom of fishing in all your creeks and harbors, and especially on the banks of Newfoundland, and why have you not stipulated for a reciprocity of fishing in the American creeks and harbors?' he showed that for the first reason it would have been impossible to exclude the American fishermen, while in the second there would be plenty of room for both parties, and no necessity for the English fishermen to feel hampered by the presence of those of the United States. . . . But in such a day as this your lordships must be told what were the difficulties which the King's ministers had to encounter in the course of the last campaign. . . . What have been my anxieties for New York! What have I suffered from the apprehension of an attack on that garrison, which, if attacked, must have fallen! What have I suffered from the apprehensions of an attack on Nova Scotia or Newfoundland! The folly, or the want of enterprise by our enemies, alone protected those places; for had they gone there instead of to Hudson's Bay, they must have fallen. . . . The noble Viscount (Lord Keppel) has told us the case of the fleet with which he was sent to the relief of Gibraltar. He could hardly venture to swim home in the Victory. How many of our ships were, in fact, unmanned? Did the House know this? . . . Are not these things so, and are not these things to be taken into the account before ministers are condemned for giving peace to the country? . . . You will pardon me if I have been earnest in laying before your lordships our embarrassments, our difficulties, our views, and reasons for what we have done. I submit them to you with confidence, and rely on the nobleness of your natures, that in judging of men who have hazarded so much for their country, you will not be guided by prejudice nor influenced by party."

The debate concluded with a legal battle between Loughborough and Thurlow on the right of the Crown to sign a treaty ceding national territory without the previous consent of Parliament. The speech of Thurlow upon this occasion is generally considered to have settled the question in the affirmative (Shelburne's Life, iii., 346, 355).

At half-past four in the morning the Lords divided, the contents

and proxies being 72, the non-contents and proxies 59—a majority for the address of 13. Of the bishops but thirteen were present, and only seven voted for the ministry. "Their consistency, however," remarks Lord Edmond Fitzmaurice, "may be admired in not desiring to associate their names with the conclusion of a war which they had done so much to excite and embitter."

On February 21st Lord John Cavendish brought forward his resolution, "which," says Lord Edmond, "with sublime indifference to the declaration of its predecessor that the House had not yet had time to examine the preliminaries and therefore could not applaud them, proposed to censure them in the lump without even calling for papers." "Such a gross indecorum," says Walpole, "was perhaps occasioned by the desire of saving Lord North from any retrospection the neglect of which they could not justify if they went into the article against Lord Shelburne." Late in the evening Pitt rose to reply to the attacks upon the ministry, and after remarking that the debate obviously originated rather in an inclination to force the Earl of Shelburne from the Treasury than in any real conviction that ministers deserved censure for the concessions they had made, he pronounced an eulogium upon his powerful abilities, his habitual uprightness, and the honest and honorable part that he had acted, remarking, "but his merits are as much above my panegyric as the lot to which he owes his defamation are beneath my attention" (Shelburne, iii., 365). At half-past three in the morning the House divided—for the Government, 190; for the opposition, 207; a majority of 17 censuring the terms of peace. This result led to the resignation of Shelburne on February 23d, recommending the King to send for Pitt, who would not undertake the task without a moral certainty of a majority in the House of Commons. He then, on March 9th, sent for Lord Ashburton, and after an unsuccessful attempt to resist the force of the coalition, the King wrote to Shelburne (April 2, 1783): "I have taken the bitter potion of appointing the seven ministers named by the Duke of Portland and Lord North to kiss hands. . . . I do not mean to grant a single peerage or other mark of favor." On December 18th the resignation of the two secretaries was demanded by the King, and Pitt accepted the premiership. On October 31, 1784, Shelburne was made Marquis of Lansdowne.

Apart from the general historic interest of the Parliamentary

debates on the treaty with America and the admitted unpopularity of its concessions, these facts have an important value in illustrating the wisdom of the American Commissioners in signing the Preliminary Articles without communicating them to France, and showing that the danger to which Jay referred in his letter to Livingston (dated Passy, July 19, 1782—Jay's Life and Writings, i., 174) as likely to occur had they communicated the articles to Vergennes, as Livingston thought they should have done, would almost inevitably have happened.

The letter will be found *ante*, in Appendix, page 183, and shows, first, that they were well advised of Lord Shelburne's position ; that the necessity of concluding a peace before Parliament met made them less tenacious on some points than they would otherwise have been ; and that they had reason to suppose that the British Commissioner and his advisers were rather exceeding the discretion intended by the British Cabinet. This view, it may be remarked in passing, would seem to be confirmed by a passage in the letter of M. de Rayneval to Mr. Monroe on the peace negotiations (dated Paris, November 14, 1795—Rives' Madison, i., Appendix, 658) if M. de Rayneval's statements had not been so frequently proven to be erroneous or exaggerated. He says of his second visit to Lord Lansdowne (meaning Lord Shelburne) after the signing of the Preliminary Articles :

"Je ne dois pas omettre de vous dire, Monsieur, que Milord Lansdowne, chez qui j'étais à l'instant où il apprit cette signature, me dit que c'était un incident qu'il ne concevait pas, et qu'il n'aurait des idées nettes à cette égard, qu'après la lecture des dépêches. Je revis le premier Ministre le lendemain, et il me dit que le traité, dont il s'agit avait fait la plus vive sensation sur le conseil ; qu'il avait retourné les esprits."

Lord Edmond Fitzmaurice states (Shelburne, iii., 302) that at the last moment it was a question "whether the English Commissioners could venture to sign without consulting their principals," and Strachey wrote Nepean (November 29, 1782) : "Now are we to be hanged or applauded for thus rescuing England from the American war ? "

The second point shown by Jay's letter is that Great Britain was pledged to ratify not what Oswald should verbally agree to, but what he should formally sign and affix his seal to ; that if the articles had been shown to Vergennes he would have complimented

the Commissioners on the terms obtained, but would have insisted on a postponement of the signing till the articles between France, Spain, and Britain were also ready for signing. This is clear from the language of Vergennes. If the Commissioners had rejected such advice it would have given more offence to France than their doing it without consulting her, and if she had assented to delay the signing the British Cabinet might have declined to approve the articles as still *res infecta*, and the French Minister would have had an opportunity at least of approving the objections of the British Court, and of advising us to recede from our demands as immoderate and opposed to the wishes both of France and Spain.

APPENDIX J.

EXTRACTS FROM HISTORICAL WRITERS TOUCH- ING THE PEACE.

No. 1.

(From Wraxall's *Memoirs of His Own Time, 1772-1784*. New York and London, Vol. II., pp. 391. 1884.)

SIR WILLIAM WRAXALL remarks (November, 1782) that "while Lord Howe thus placed in security the most brilliant foreign possession belonging to the British Crown in Europe [by relieving Gibraltar], negotiations of a pacific measure were carrying on at Paris, both with America and with the other coalesced powers. The Provisional Articles concluded with the insurgent colonies which were first signed did not indeed demand any considerable length of time or superior diplomatic talents in order to conduct them to a prosperous termination, where almost every possible concession was made on the part of England merely to obtain from America a cessation of hostilities. Not only their independence was recognized in the most explicit terms; territories, rivers, lakes, commerce, islands, forts and fortified places, Indian allies, loyalists—all were given up to the Congress. In fixing the boundaries between Canada and the United States ideal limits ignorantly adopted on our part were laid down amidst unknown tracts."

Sir Nathaniel William Wraxall, after summing up the result of the general pacification to each of the parties engaged in the war, somewhat as Mr. Lecky has done, remarked:

"America triumphed in the contest, and the greatest statesmen whom England had produced, though they concurred in scarcely any other political opinion, yet agreed upon the point that with the defalcation of the thirteen colonies from the Crown the glory and greatness of England were permanently extinguished" (pp. 439-440). Wraxall quotes as having solemnly expressed that idea at different periods, the elder Chatham, Shelburne, Lord George

Germain, and Dunning. Shelburne had said even so late as July 10, 1782, when constituted First Lord of the Treasury, "Whenever the British Parliament should recognize the sovereignty of the thirteen colonies, the sun of England's glory was forever set" (p. 440).

No. 2.

M. BRISSOT DE WARVILLE ON THE PART
BORNE BY JAY IN THE PEACE NEGOTIA-
TIONS.

As these pages are passing through the press, the *Magazine of American History* for March, 1884, reproduces (p. 246) in a paper on "Brissot de Warville : His Notes on America in 1788," the following translation of his comments on the Peace Negotiations of 1782 :

When M. de Warville reached New Rochelle he wrote : "This place will always be celebrated for having given birth to one of the most distinguished men of the last Revolution—a Republican remarkable for his firmness and his coolness, a writer eminent for his nervous style and his close logic—Mr. John Jay, present Minister of Foreign Affairs. The following anecdote will give an idea of the firmness of this Republican : At the time of laying the foundation of the peace of 1783 M. de Vergennes, actuated by secret motives, wished to engage the ambassadors of Congress to confine their demands to the fisheries, and to renounce the western territory ; that is, the vast and fertile country beyond the Alleghany Mountains. This minister [Vergennes] required particularly that the independence of America should not be considered as the basis of the peace, but simply that it should be conditional. To succeed in this project it was necessary to gain over Jay and Adams. Mr. Jay declared to M. de Vergennes that he would sooner lose his life than sign such a treaty ; that the Americans fought for independence ; that they would never lay down their arms till it should be fully consecrated ; that the Court of France had recognized it ; and that there would be a contradiction in her conduct if she should deviate from that point. It was not difficult for Mr. Jay to bring Mr. Adams to this determination, and M. de Vergennes could never shake his firmness. Consider here the strange concurrence of events. The American who forced the Court of France and gave law to the English Minister was the grandson of a French refugee of the last

century who fled to New Rochelle. Thus the descendant of a man whom Louis XIV. had persecuted with a foolish rage imposed his decisions on the descendant of that sovereign, in his own palace, a hundred years after the banishment of the ancestor. Mr. Jay was equally immovable by all the efforts of the English Minister, whom M. de Vergennes had gained to his party, and his reasoning determined the Court of St. James. . . . When Mr. Jay passed through England to return to America Lord Shelburne desired to see him. Accused by the nation of having granted too much to the Americans, the English statesman desired to know, in case he had persisted not to accord to the Americans the western territory, if they would have continued the war. Mr. Jay answered that he believed it and that he should have advised it."

No. 3.

THE NEW YORK REVIEW ON JAY'S ACTION.

FROM A PAPER BY THE LATE PROFESSOR JOHN MCVICKAR, D.D.,
OF COLUMBIA COLLEGE, NEW YORK. OCTOBER, 1841.

. . . Jay's characteristic caution, with which his fame has been taunted, was the result of principle and not of selfishness. His caution was for his country's safety, not for his own, still less for private benefit. Not against peril, through duty, whether of person, fame, or fortune, did Jay ever display it, but solely against aught which threatened the common good. "*Ne quid detrimenti respublica caperet.*" On the whole, we conclude that few men of less rigidity of character would so successfully have resisted the alternate cajoling and threatening arts by which, both at Madrid and Paris, the American negotiator was literally beset, in the vain hope that he might be entrapped or browbeaten into satisfactory terms. It affords to men in all time an instructive and comforting picture of such contest, one, to the wordly eye, so fearfully unequal as republican simplicity matched against the trained diplomacy and corrupt management of Europe—an instructive and a proud picture, too, for "the race here was not unto the swift, nor the battle to the strong." Spain was finally caught in her own net: waiting, with selfish wisdom, for American infancy to succumb, she found herself at length in the arms of a giant Hercules, and, by delaying the boon

she might have sold till America no longer needed it, she lost the equivalent the young Republic stood ready at first to offer.

. . . The French Government had solicited and received, from a too confiding Congress, the control of an *absolute* guardian in negotiating the terms of peace. The question is whether to that trust her acts showed her faithful or faithless ; for surely in the latter case it were an act of the highest wisdom in Jay to detect such double-dealing, as well as of the highest patriotism at any risk to defeat it. We think it was so proved, and rank Jay accordingly.

. . . On one point, at least, we cannot but condemn Franklin, though in a matter more, perhaps, of judgment than patriotism. We know that he was for waiving the all-important honorable question whether independence was to *precede* or *follow* the treaty—whether we were to stand before England in the light of revolted colonies or of independent States. In the celebrated interview of August 10th, Jay made short answer to what he well termed Vergennes' "singular reasoning" on this subject in favor of Oswald's commission. The Count then turned to Doctor Franklin and asked him what *he* thought of the matter. The Doctor said he believed the commission would do. "I told the minister," says Jay, "that we neither *could* nor *would* treat with any nation in the world on any other than an equal footing" (letter to Gouverneur Morris, xi., 106). In private conference too, with Jay, such was his argument, "the good faith of the French" and "obedience to instructions ;" and, in accordance with these views, Franklin declined putting his name to the letter drawn up by Jay refusing to treat except on terms of equality. But this, as before said, touches not his love for his country or his sense of duty, though still in neither in accordance with ours. As to his clear-sightedness into the views of France, Franklin stands also, in our estimation, condemned of the blindness either of partiality or culpable remissness. The course of France in the matter of American liberty during the contest had been, on the part of individuals, one of high and generous enthusiasm, and on the part of her Government, one of liberal though calculating policy. *This* was for the lowering of England. But when it came to the question of a solid and permanent independence to the States, *that* was another question ; and herein we hold the policy of the French Government (saving, perhaps, the King personally) to have been one alike selfish, arrogant, and false, and thereby, too, dishonorable, inasmuch as it was the abuse of a guardianship

with which she herself had sought to be entrusted for the benefit not of herself, but of America, or rather, we should say, through her minister at Philadelphia arrogantly claimed (see Count Luzerne's letter to Congress), and which trust she now held up to the American negotiators and to the world at large in proof of her pledged generosity and disinterestedness. She had feared, it seems, the "impracticability," as her minister worded it, of Adams as negotiator of the treaty, and solicited coadjutors to him. The selfish prayer was heard and answered, and truly was a boon granted unto her when Jay, "the truly impracticable," became the substitute. In his quiet character the French Government obviously read not at first their difficulty, and various were the arts used, as it opened upon them, to entrap or overawe him. We refer more especially to the interviews of August 10th and September 27th, and to the unofficial interference of M. de Rayneval, Vergennes' private secretary, a convenient agent whose words and acts might be sustained or abandoned at pleasure, one who might gain much and could pledge nothing. (See his letter and memoir of September 6th.) Under these circumstances Jay *broke his instructions*, opened a direct communication on his own personal responsibility with the British Government, demanded and obtained from their new Ministry the previous recognition of American independence—a starting-point against which not England, but France, as he had truly suspected, was the bar—and thus did he effect the provisional treaty, securing to us, under our own guarantee, rights which, under French guardianship, we *never* should have obtained. Now, to such conclusion no unprejudiced mind, we think, but must arrive from the documentary evidence here exhibited in Mr. Jay's two volumes. But such conclusion becomes demonstration under the new proof we now are enabled to adduce. The witness we bring forward is an unquestioned one—the late Lord St. Helens, then Mr. Fitzherbert, the English Minister Resident in Paris, and a party to the very negotiation in question. In returning to a friend, through whom it comes to us, a copy of the volumes before us, lent him for his perusal, Lord St. Helens accompanied them with the following testimony: "These memoirs are indeed highly deserving of further attention on both sides of the Atlantic, and as you justly foresaw, particularly interesting to myself, from my intimate acquaintance and political intercourse with Mr. Jay, when we were respectively employed at Paris in 1782; and I can safely add my testimony to the numerous proofs afforded by these memoirs, that it

was *not only chiefly*, but *solely*, through his means that the negotiations of that period between England and the United States were brought to a successful conclusion."—*Grafton Street*, July 29, 1838. To this conclusive language as to Mr. Jay's course, we would yet add two of his lordship's marginal notes bearing upon the French question.

(Vol. i., p. 145.)

"N.B.—This letter (Marbois', in Appendix, p. 490) was intercepted by a British cruiser and communicated to the American Commissioners, and the sequel of this narrative (which is perfectly true throughout) will show that this important disclosure of the machinations of France led to the immediate conclusion of the provisional treaty between England and America, being in reality quite tantamount to a separate treaty.—St. H."

(Last visit, p. 149.)

"These propositions related entirely to a certain enlargement of the limits of the French fisheries, as defined by former treaties. But in the course of these discussions *M. de Vergennes never failed to insist on the expediency of a concert of measures between France and England for the purpose of excluding the American States from these fisheries,* lest they should become a nursery for seamen.*—St. H."

Such is the new light thrown on this once dark question, and sufficient, we think, to settle it forever. Let us have no more, therefore, of these charges against Jay of "unfounded jealousy of France," or against his friends either of "an overrated estimate of the value of his services."

* That this matter was well understood at the time, and that to Jay in chief belonged the merit of saving the fisheries, is clear. In a letter immediately subsequent Adams thus writes to Jay: "I have received several letters from Boston and Philadelphia, from very good hands, which make very honorable and affectionate mention of you. You have erected a monument to your memory in every New England heart" (vol. ii., p. 153). To the same effect Hamilton writes: "The New England people talk of making you an annual *fish offering* as an acknowledgment of your exertions for the participation of the fisheries" (vol. ii., p. 123).

No. 3.

VIEWS OF JOHN QUINCY ADAMS.

MR. ADAMS TO JUDGE JAY.

The *Magazine of American History* for January, 1879, contains a correspondence between Mr. Adams and Judge William Jay. From one of Mr. Adams' letters, which are marked by his usual vigor of thought and expression, the following is an extract :

QUINCY, August 18, 1832.

I learn with great satisfaction from your letter of the 10th inst. that you are occupied in preparing for the press a memoir of your father's life. The affectionate respect entertained for him by my father to the last period of his own life was witnessed by me through a long series of years, and has ever been cordially participated in by myself.

The recent efforts, to which you allude, to exalt the reputation of Doctor Franklin at the expense of that of his colleagues excited my surprise, until I perceived the motives and impulses in which they originated. They were the more unjust in regard to your father, as he and Doctor Franklin were, as I have understood, always upon terms of mutual good understanding. Doctor Franklin was a great favorite at the Court of Versailles, and particularly more in favor with the Count de Vergennes, a very equivocal character in public morals, though perhaps well adapted to the rotten condition of the French monarchy at the close of the reign of Louis XV. and during that of his successor until the moment preceding his fall.

The political system of Vergennes toward *our* country at the commencement of our Revolution is disclosed in some remarks of Mr. Turgot upon a memoir of the Count in April, 1776, upon the question what course France and Spain should take on that occasion. He thought the *policy* of France was neutrality, her *interest* that the insurrection should be *suppressed*; because if Great Britain should put us down she would be too much weakened by the necessary exertions to keep us down to be dangerous to France.

Even this policy he did not honestly pursue; but, while professing neutrality, he did give clandestine assistance to keep the struggle up, and the surrender of Burgoyne brought him to another

conclusion. He then bound us to France by a treaty of commerce and an eventual treaty of alliance. The object of these treaties, he further declared in another memoir in March, 1784, had been to curb the ambition and pride of England, and to *prevent the American Revolution from turning to the disadvantage of France.*

During the War of the Revolution and at the negotiations for peace Vergennes was against us upon the fisheries, upon the western boundary, upon the indemnities to the Tories, and upon the navigation of the Mississippi. This your father and mine well knew, and therefore did not communicate to the Count de Vergennes the progress of their negotiations with Mr. Oswald for peace, but only the substance of the treaty when concluded. That treaty, however, was not to take effect until the peace between Great Britain and France should also be concluded. This the Count de Vergennes was negotiating with Mr. Fitzherbert without communicating the progress of it to the American Commissioners. Doctor Franklin did not separate from his colleagues in withholding the details of the negotiation from the knowledge of the French Court, but he appears to have acquiesced in it with some reluctance, and was far more *confiding* in the friendship of France than she merited.

APPENDIX K.

JAY'S VIEW OF THE POLICY OF FRANCE AND THE COMMENTS OF VARIOUS HISTORIANS.

It may be proper in closing this Appendix to quote the last paragraphs of Jay's elaborate letter to Livingston of November 17, 1782 (Dip. Corres., viii., 206), giving a history of the negotiation from his arrival in Paris. It was to this letter that Mr. Sparks appended his "Observations," which have misled so many at home and abroad, by his personal assurance that Jay's view of the policy of France toward America was contradicted by the secret correspondence of Vergennes and his diplomatic agents. I add in notes two or three extracts from that correspondence as given by de Circourt, and additional passages of equal significance have been already given, which show that Jay could hardly have portrayed Vergennes' policy more accurately, nor in words more nearly identical, if the confidential instructions of that diplomatist to his agents at Madrid and Philadelphia had been lying before Jay as he warned Livingston and Congress against the danger of leaning with an excess of confidence on the French Court, "her love of liberty, her affection for America, or her disinterested magnanimity."

"I am sensible," said Jay, "of the impression which this letter will make upon you and upon Congress, and how it will affect the confidence they have in this Court. These are critical times, and great necessity there is for prudence and secrecy.

"So far, and in such matters as this Court may think it their interest to support us, they certainly will, but no further, in my opinion.

"They are interested in separating us from Great Britain, and on that point we may, I believe, depend upon them ; but it is not

their interest that we should become a great and formidable people, and therefore they will not help us to become so.*

"It is not their interest that such a treaty should be formed between us and Britain as would produce cordiality and mutual confidence. They will, therefore, endeavor to plant such seeds of jealousy, discontent, and discord in it as may naturally and perpetually keep our eyes fixed on France for security. † This consideration must induce them to wish to render Britain formidable in our neighborhood, ‡ and to leave us as few resources of wealth and power as possible.

"It is their interest to keep some point or other in contest between us and Britain to the end of the war, to prevent the possibility of our sooner agreeing, and thereby keep us employed in the war, and dependent on them for supplies. Hence they have favored, and will continue to favor, the British demands as to matters of boundary and the tories. § .

"The same views will render them desirous to continue the war in our country as long as possible.

" . . . Such being our situation, it appears to me advisable to keep up our army to the end of the war, even if the enemy should evacuate our country; nor does it appear to me prudent to listen

* Nous ne désirons pas, à beaucoup près, que la nouvelle République qui s'élève demeure maîtresse exclusive de tout cet immense continent.—Le Comte de Vergennes au Comte de Montmorin, Versailles, 30 Octobre, 1778 (de Circourt, iii., 310).

"Je dis sans intérêt parce que nous n'en avons aucun à voir l'Amérique Septentrionale jouer le rôle d'une puissance," etc.—M. de Vergennes à M. de la Luzerne, 25 Septembre, 1779 (ibid., p. 284).

† "L'indépendance de l'Amérique Septentrionale et son union permanente avec la France ont été le but principal du roi."—Mémoire pour servir d'instruction au Sieur Gérard, approuvé le 29 Mars 1778, par le roi (de Circourt, iii., 255, 260).

‡ "Suivant ce que M. Gérard me mande il faudra bien du temps, et même des siècles, pour que cette nouvelle République prenne une consistance qui la mette en état de jouer un rôle extérieur. Néanmoins il n'en est pas moins intéressant que les Anglais demeurent maîtres du Canada et de la Nouvelle-Écosse; ils feront la jalousie de ce peuple, qui pourrait bien se retourner ailleurs, et de lui faire sentir la nécessité d'avoir des garants, des alliés et des protecteurs."—Le Comte de Vergennes au Comte de Montmorin, 30 Octobre 1778 (de Circourt, iii., 311).

§ "Here Rayneval played into the hands of English ministers by expressing a strong opinion against the American claims to the Newfoundland fishery and to the valley of the Mississippi and the Ohio."—Life of Shelburne by Fitzmaurice, relating the conversation of Rayneval in England with Shelburne and Grantham (vol. iii., p. 263).

to any overtures for carrying a part of it to the West Indies, in case of such an event.

"I think we have no rational dependence except on God and ourselves, nor can I yet be persuaded that Great Britain has either wisdom, virtue, or magnanimity enough to adopt a perfect and liberal system of conciliation. If they again thought they could conquer us, they would again attempt it.

"We are, nevertheless, thank God, in a better situation than we have been. As our independence is acknowledged by Britain, every obstacle to our forming treaties with neutral powers, and receiving their merchant ships, is at an end, so that we may carry on the war with greater advantage than before, in case our negotiations for peace should be fruitless.

"It is not my meaning, and therefore I hope I shall not be understood to mean, that we should deviate in the least from our treaty with France; our honor and our interest are concerned in inviolably adhering to it. I mean only to say, that if we lean on her love of liberty, her affection for America, or her disinterested magnanimity, we shall lean on a broken reed that will sooner or later pierce our hands, and Geneva as well as Corsica justifies this observation.

"I have written many disagreeable things in this letter, but I thought it my duty. I have also deviated from my instructions, which, though not to be justified, will, I hope, be excused on account of the singular and unforeseen circumstances which occasioned it.

"Let me again recommend secrecy, and believe me to be, dear sir, etc."

APPENDIX L.

VIEWS OF AMERICAN AND SOME FOREIGN AUTHORS.

MR. PITKIN'S HISTORY.

THE accuracy of Jay's view of the French policy, enforced by the proofs from the French archives alluded to in the review of their action by the Cabinet of Washington, were quoted by his biographer, Chief Justice Marshall ; and the Honorable Timothy Pitkin, whose character and services as a statesman added weight to his authority as an historian, in his "Political and Civil History of the United States of America," published at New Haven in 1828, gave a fair sketch of the peace negotiations, and after speaking of the policy of Spain, said :

"From this communication (of Rayneval) and the claim made by the Spanish ambassador, there could be no doubt that France and Spain intended to secure the western country to themselves, or yield it to Great Britain for an equivalent elsewhere. Nor was there less doubt as to the real view of the French Court with regard to the fisheries. With respect to the loyalists, the Count de Vergennes himself expressed an opinion to Mr. Adams in favor of some provision for them."

Having alluded to the decision of Jay and Adams to act for themselves and conclude the treaty without consulting the French Court, and to Franklin's agreement to act with them, Mr. Pitkin said : "This negotiation, so interesting to the United States, was fortunately entrusted to gentlemen distinguished for their fairness, as well as talent and integrity. They knew too well how much the future prosperity and happiness of their country depended on securing the fisheries, the western country and a part of the lakes, to run the hazard of losing them at the suggestion or advice of any power whatever."

MR. JARED SPARKS.

Two years later, in 1830, appeared the "Diplomatic Correspondence of the American Revolution," in twelve volumes, published conformably to a resolution of Congress of March 27, 1818, edited by Jared Sparks, and his editorial note to Jay's letter (viii., 208, referred to *ante*, pages 16, 17, 41, 42, 112, and 113) contained the extraordinary statement which he repeated in his lives of Franklin and Gouverneur Morris, and in a review of Pitkin's history in the *North American Review* (January, 1830, p. 15), and which seems to have been accepted with unquestioning faith and an almost childlike credulity, that the correspondence of Vergennes developing the policy and designs of the French Court showed Jay to be mistaken in regard to their aims and their plans.

Apart from the mystery of Mr. Sparks' extraordinary misreading and misrepresentation of the document, in the French archives, now brought to light, of which the only explanation thus far suggested beyond the personal eccentricity which induced him to improve the style of Washington's letters (*ante*, p. 112, note) is a possible want of familiarity with the French language, to which some plausibility is given by the mistranslation already referred to of a part of a note from Rayneval to Vergennes (*ante*, pp. 41-42, note), there is another point on which his literary executors or friends may, perhaps, throw light. It is not quite easy to understand why he should have taken such pains to prove that Doctor Franklin was right in his first view of the question when he inclined to obey the instructions of Congress to follow the advice of Vergennes, and to act under the first commission, which treated the United States as colonies or plantations, and when he refused to sign the letter prepared by Jay. Had Doctor Franklin continued to hold this position, one can understand a biographer desiring to vindicate its correctness. But Doctor Franklin himself abandoned his first position, and on the arrival of Adams announced his readiness to proceed with Adams and Jay without consulting the French Court, and a little later Franklin joined with his associates in explaining to Congress, as the apology for their conduct, that they "knew that the French Court was against our claim to the western boundary, and they had reason to imagine that the Articles respecting the boundaries, the refugees, and the fisheries, did not correspond with its policy."

Then, again, even if Mr. Sparks was himself insensible to the

force of the intercepted Marbois letter about the fisheries, and to the official pretensions of D'Aranda to the western territory, and the careful memoir presented to Jay as the personal views of Rayneval, and to the support given by Vergennes himself to the claims of Spain, it does not appear why, in making his repeated charge, that "the suspicions of the Commissioners were sustained by no other evidence than that of circumstances, personal conjectures, and deceptive appearances:" he omitted to allude to the review of the whole case by Washington, and the proofs quoted in Mr. Pickering's letter, and referred to in Marshall's "Life of Washington," of "the Machiavelian policy" of France, and of the duplicity "which reigned over the negotiations for peace," as shown by the letters of Vergennes and Montmorin, which had aroused the indignation of the French Directory.

MR. SCHLOSSER'S HISTORY.

Among the foreign writers who have quoted Mr. Sparks as their authority for distortion of historic truth and curious abuse of Jay and Adams for obtaining from England such excellent terms, was Schlosser, the author of a "History of the Eighteenth Century," etc. (translated by Davidson, vol. v., 295 *et seq.*: London, 1845).

Schlosser says: "In July Fitzherbert, afterward well known under the name of Lord St. Helens, was commissioned to negotiate with the European powers at Versailles concerning the preliminaries of a peace, and Oswald was despatched to treat with Franklin in Paris concerning North America. Franklin would willingly have delayed the final settlement of the preliminaries out of gratitude to France and a sense of propriety, at least till England had come to an understanding with France at Versailles; but he was overruled by Jay and Adams, and the latter signed the treaty without even asking Vergennes, to whom America owed so much. The English ministry not only acknowledged the independence of the Republic, but made concessions with regard to the territory beyond the Blue Mountains, where the most flourishing provinces and towns now are, as well as in regard to forts, islands, and the right of fishery; nay, in order to separate America from France as soon as possible, they did not even require an exact definition of the boundary on the north of the United States, in consequence of which a serious difference has arisen within these last few years, according to the universally received proposition in America that the principal end of human wishes is and

ought to be the greatest wealth and external advantages. The American lawyers, Jay and Adams, behaved very properly in opposing their colleague Franklin. The American quibblers invented a word on this occasion in order to avoid that condition in their treaty with France according to which they were not to sign any preliminaries before France had done the same. They called the Articles on which they had agreed Provisional Articles. The English Ministry were able to excite the jealousy of the Americans, and the latter urged on Franklin's colleagues to out-vote him, and to hasten the conclusions of the treaty. Franklin's most recent biographer ("Sparks' Life of Benjamin Franklin," vol. i., p. 489) has plainly asserted what Franklin himself only hints at in his letters, that he by no means approved of the ruse by which Messrs. Jay and Adams had deceived the French Ministry. Vergennes felt himself justly offended, and was very much surprised. . . . The States of Holland were entirely French in their opinions; they trusted in Vergennes because he was an honorable man,* although honor and

* England declared war against Holland December 20, 1780. She had complained that Paul Jones had been allowed to bring his prizes into Dutch harbors, and remain for weeks, and that American privateers were fitted out at St. Eustatius; that that island had long been the chief source of American supplies, and that among the papers of Henry Laurens, when captured near Newfoundland, was an inchoate treaty of commerce and amity made by Neufville, of Amsterdam, between Holland and the United States (Lecky, iv., 172, 174). The declaration of war, says Lecky, was treated by the English Opposition as a great crime, and many later writers have adopted the same view. The plenipotentiaries of Holland in the peace negotiations were Berkenroode and Brandizen, and after suffering fearfully during the war she was fated to suffer by the peace. Judge William Jay, in the Life of John Jay (vol. i., p. 173), says that Jay obtained a copy of the instructions of the Dutch Minister, and left it among his papers.

From this document it appears that the Duke de Vauguyon, French Ambassador at the Hague, had there performed a part similar to that acted by Count Luzerne at Philadelphia; and that through his representations the Dutch Ministers were required to act in concert with the French Court, and "*to make confidential communications of all things to them.*"

Mr. Adams wrote, on June 16th, of the difficulties experienced by the Dutch, and said: "And this difficulty probably arises from the instructions in question, by which they made themselves of no importance, instead of acting the part of a sovereign, independent, and respectable power." If they had held their own negotiations in their own hands they would probably have obtained better terms. In August Mr. Adams wrote again that one of the Dutch Ministers in speaking of the Count de Vergennes said: "He certainly deceived me. The States-Gen-

honesty are seldom found in connection with the prudence necessary for a diplomatist, and principally for this reason Franklin was vexed at the quibble which his colleagues had practised on two such men as Vergennes and Louis XVI."

MR. COXE'S HOUSE OF AUSTRIA.

Mr. Coxe, in his "History of the House of Austria" (vol. v., p. 327, 2d ed.), viewing the negotiations from a different standpoint, and referring particularly to the communication of the intercepted letters of Marbois, says: "Mr. Fitzherbert fulfilled his delicate office with great ability and address. While he treated with Vergennes he succeeded in alarming Franklin, Adams, and Jay, and prevailed on them to sign a separate and provisional article."

MR. HILDRETH'S HISTORY.

Hildreth, in his "History of the United States," says: "France was inclined to favor the interests of Spain, her family ally; she was also very anxious to speedily terminate a war, the whole financial burden of which her American allies seemed inclined to shift upon her shoulders. Such appears to have been the only foundation for the suspicions entertained of the designs of the French Court. In his whole intercourse with America, Vergennes seems to have acted an honorable part, contributing according to his best judgment to secure the professed object of the treaty of alliance, the political and commercial independence of the United States" (Hildreth, iii., 421).

In an earlier part of the same volume, M. Hildreth refers to the small encouragement which Mr. Dana received in his mission to St. Petersburg from the French Minister at that capital, and remarked that Dana and Adams concurred in the opinion that France was seeking an exclusive control over the foreign relations of the United States.

MR. RIVES' LIFE OF MADISON.

The late Honorable William C. Rives, in his "Life and Times of Madison," devotes Chapters XI. and XII., Volume I., to the

eral did very wrong to bind me to leave so much to the French Minister; but I thought him an honest man, and that I could trust him, so I left things to him according to my instructions, depending on his word, and at last I found myself his dupe" (Dip. Corr., vii., 150).

instructions and negotiations for peace, and under the heading of "Unfounded Suspicions of the Sincerity of France Manifested by Mr. Jay and Mr. Adams," remarked :

"An historical inquirer [meaning Mr. Sparks] whose candor and love of truth are worthy of his superior industry and judgment, and who has had free access to the diplomatic archives of both the French and British Governments, and especially the confidential correspondence of Count de Vergennes and Monsieur Rayneval during the period of the suspected mission of the latter, has in his investigations found every one of Mr. Jay's suspicions not merely unsustained, but contradicted by the record. How monitory this lesson of the delusion to which the highest intellect is exposed when swayed by suspicion and prejudice," etc.

MR. FLANDERS' CHIEF JUSTICES.

Mr. Henry Flanders, in "The Lives and Times of the Chief Justices of the Supreme Court of the United States" (vol. i., p. 343), remarks :

" . . . This statement of Fitzherbert (touching Vergennes and the fisheries) is of historical importance. It comes from an actor on the scene, and abundantly confirms the suspicions entertained by Mr. Jay of the object contemplated by the French Court. The letter of M. Marbois spoke his sentiments as to the fisheries, and we may safely conclude from thence that M. de Rayneval in his letters and conversations equally spoke his sentiments as to the Western lands and the navigation of the Mississippi.

" . . . Had the American Commissioners governed their conduct by their instructions, and submitted to the advice of Vergennes, we think it apparent that the United States would have been deprived of the fisheries, of the Western lands, and the navigation of the Mississippi ; but in spite of the conviction thus forced upon us we cannot forget the generous aid France afforded this country in her struggle to secure a national existence. She sent a fleet and army to fight our battles ; she loaned us eighteen millions of livres and gave us twelve millions. That she should propose to herself some equivalent gain for the expenses of the war is not surprising. We do not look for wholly interested conduct in the dealings of nations. But when it is obvious that one ally is endeavoring by indirection, by concert with the enemy and another ally, to deprive a third one

of advantages justly belonging to him, it is well that the intrigue should be counteracted and its profligacy exposed. Previous good conduct may soften the severity of our condemnation, but it cannot justify guilt" (pp. 343, 344).

FRANK LESLIE'S MONTHLY.

A paper entitled "The Treaty of Paris, 1783," in *Frank Leslie's Popular Monthly*, for September, 1883, illustrated by engravings: "The Signing of the Treaty of Paris," a view of Versailles, and portraits of Laurens, Franklin, Jay, Vergennes, and Adams, curiously illustrates some of the popular blunders about the relative positions toward the American claims occupied by France and Spain in the peace negotiations. The writer quotes "the judicious Jared Sparks" as authority for the statement that "Jay was the victim of groundless suspicions."

" . . . The Commissioners met frequently at Mr. Jay's rooms, . . . but there was little harmony at first, and several times the negotiations seemed on the point of being suspended owing to the opposition of Jay.

"John Jay had been the means of great delay and apprehensions on account of the distrust he seemed to have of every nation. The negotiations were from time to time almost brought to an end through his distrust of France. . . .

"John Jay's persistent refusal to accede to the demands of Spain, aided and abetted by Adams to more delay. Count de Vergennes in a letter to the French King alluded to Adams as being a most embarrassing navigator.

" . . . England and France were harmonious in nearly every respect, and finally matters were arranged through the strenuous efforts of Rayneval the French plenipotentiary and Count Aranda.

" . . . The treaty of Paris gave to the United States all and more than they sought for at first. . . . Franklin's . . . success was marvellous. . . . John Jay, whose enmity and distrust of France led to so many and vexatious delays, was even as Franklin himself said, 'the cause of the great concessions that were made, and all honor was due to him;' . . . sturdy John Adams, the most practical and stubborn of all the Commissioners, . . . was fully alive to the interests and danger of the New England States."

MR. VAN SANTVOORD'S CHIEF JUSTICES.

Mr. George Van Santvoord, in his "Lives of the Chief Justices" (p. 29), after quoting Jefferson and Hamilton in regard to the greatness of the terms obtained by the peace, justly remarked: "These terms and this successful negotiation were not achieved without the most painful anxiety and difficult labor. England was of course prepared to grant but few concessions to her revolted colonies, and France, our generous ally, had her own designs to subserve, and was as dangerous to America in diplomacy as she had been formidable to England in war."

MR. GREENE'S HISTORICAL VIEW.

The late George Washington Greene, in his "Historical View of the American Revolution" (Boston, 1865), says, on the other hand, of Adams, Jay, and Laurens (p. 266): "But unfortunately they did not all share Franklin's well-founded confidence in the sincerity of the French Government. . . . History has justified his confidence, the most careful research having failed to bring to light any confirmation of the suspicions of his colleagues."

The researches of Mr. Greene could hardly have included a careful reading of the lives of Franklin, Jay, or Adams, of which the historian Lecky says, "both Jay and Adams have found powerful defenders in their descendants and biographers" (Lecky, iv., 282 *note*); nor the letter of Pickering, embodying the proofs that convinced the mind of Washington; nor the letter of the French Minister for Foreign Affairs when Genet was named as Minister to America, of which the original is given by Mr. C. F. Adams (Adams' "Life and Works," Appendix, p. 675), and in which he said: *

* This letter was published in the "Moniteur Universel," No. 358, for Sunday, December 23, 1792, as having been read at the séance of Friday, the 21st, following the letter in the Adams' Appendix, i., 675, in the address of the French Convention to the United States, in which occurred this passage: "Les États Unis de l'Amérique auront peine à le croire; l'appui que l'ancienne Cour de France leur prêta pour recouvrer leur indépendance n'étoit que le fruit d'une vile spéculation; leur gloire offusquait ses vues ambitieuses; et ses ambassadeurs avaient l'ordre criminel d'arrêter le cours de leur prospérité."

John Adams, in his paper on the Peace Negotiations, originally published in the Boston Patriot in 1811, and reprinted in the Appendix to his Life, says that Vergennes' system of finesse toward America was presented in the memorial to the King, afterward published under the title *Politique de tous les Cabinets de l'Europe*, and he adds: "The publication of it is a confirmation of all that was ever said or thought of the Court by me or by Mr. Jay" (Adams, 658).

"Le conseil exécutif s'est fait représenter les instructions données par le Ministre précédent aux agens dans ce pays. Il y a vu avec indignation que dans le tems même où ce bon peuple nous exprimait de la manière la plus touchante son amitié et sa reconnaissance, Vergennes et Montmorin pensaient qu'il ne convenait point à la France de lui donner toute la consistance dont il était susceptible ; pas qu'il acquerrait une force dont il serait probablement tenté d'abuser. . . . la même duplicité fut employée dans les négociations pour la paix."

MR. PARTON'S LIFE OF FRANKLIN.

Mr. James Parton, in his "Life of Franklin" (New York : Mason Brothers, 1864, ii., chap. xv.), followed with apparent confidence and in a sportive tone the theory of Dr. Sparks, and after alluding for example to Jay's remark that Doctor Franklin appeared to have a great degree of confidence in the French Court, with Jay's addition as quoted by Mr. Parton, "Time will show which of us is right," Mr. Parton adds, "Time has shown," and then quotes as proof what he calls "the explicit testimony of Dr. Sparks" about the Vergennes correspondence—testimony so strangely and emphatically contradicted by the correspondence itself that it takes its place among the curiosities of literature as an unsurpassed example of historical fictions which have passed as facts.

The remark of Jay alluded to by Mr. Parton occurs in his letter to Livingston of September 18th (Dip. Corres., viii., 126, 127), enclosing a translation of Marbois' intercepted letter about the fisheries, a letter that—whether from accident or design does not appear—was omitted from the volume. In that letter Jay said :

"This Court as well as Spain will dispute our extension to the Mississippi. You see how necessary prudence and circumspection will be on your side, and, if possible, secrecy. I ought to add that Doctor Franklin does not see the conduct of the Court in the light I do, and that he believes they mean nothing in their proceedings but what is friendly, fair, and honorable. Facts and future events must determine which of us is mistaken. . . . Let us be honest and grateful to France, but let us think for ourselves."

Apart from the proofs afforded by the correspondence that the Court of France was against us as regards the fisheries, the boundaries, and the Mississippi, Mr. Parton may note in a future edition that

three years before the date of Jay's letter, on April 12, 1779, the secret bargain had been concluded between De Vergennes and De Florida Blanca, so clearly told by Bancroft, of which, in return for Spain's joining in the war, France was to assist Spain in procuring, at our expense, "every part of the basin of the St. Lawrence, and of all the land between that river and the Alleghanies" (Bancroft, x., chap. viii.).

Ignoring and ridiculing as if it were a myth, that compact between France and Spain, the existence and meaning of which Jay and Adams detected and defeated, Mr. Parton speaks of "those two rare diplomatists—John Adams and John Jay—who "believed that the French Government wished to limit the power, the growth, and the boundaries of the United States" (p. 501). "In vain," he says, "did Doctor Franklin essay to remove these groundless impressions from the mind of Mr. Jay" (p. 482), and of the refusal of Jay to accept the advice of Vergennes to treat under the designation of colonists, Mr. Parton speaks of Franklin groaning "during the month wasted upon *this nonsense*."

A misconception of so momentous a factor in the history of the negotiation naturally leads to the widest difference in the conclusions drawn by different historians of the actors in the transaction. While Lecky finds it impossible not to be struck with the skill, hardihood, and good fortune which won so much of what was obtained by the American Commissioners in opposition to the two great powers by whose assistance they had triumphed, Mr. Parton represents Jay as "a timid adventurer," a "slave of mistrust," and says that Franklin, who was ready to be guided by Vergennes, knew the road and could have guided him safely through.

MR. GEORGE T. CURTIS.

The paper of the Honorable George Ticknor Curtis in successive numbers of *Harper's Magazine* for April and May, 1883, on "The Treaty of Peace and Independence," appeared some nineteen years later than the life of Franklin by Mr. Parton, and in a year when the learned author had the same opportunity of which Mr. Lecky has so amply availed himself in his "History of England," to correct the misconceptions of former writers on the subject by the light afforded by the recent volumes of Bancroft, de Circourt, and Lord Edmond

Fitzmaurice, and, most of all, by the correspondence so long hidden and so absolutely misrepresented of the Count de Vergennes.

The paper is illustrated by portraits of George III., Lords North, Rockingham, and Thurlow; of Burke, Fox, Shelburne, and Pitt; of Louis XVI., and the Count de Vergennes; of Franklin, John Adams, and Henry Laurens, while for Jay, by a mistake which rather seemed to harmonize the illustration with the text, as presenting with similar inexactness his features and his diplomacy, there was given the portrait of a gentleman who, at the signing of the Preliminary Articles, had not completed his eighth year,* and this young stranger to the negotiation appeared among the celebrities associated with that event marked "John Jay."

Mr. Curtis very justly observes that "there is something quite dramatic in the involutions and convolutions of that remarkable negotiation, in which the fate of our country was entangled in the affairs of Europe, and in the conflicts of parties in England."

As regards the greatness of the powers whose differing policies were involved, the eminence and skill of the trained diplomatists to whom the furthering of these policies was entrusted, the grandeur of the issue at stake, being in fact the future of the American continent, and the profound interest of Christian civilization—such was the diplomatic contest for which France and Spain had been secretly preparing from the convention at Aranjuez in April, 1779, of which separate acts had been played by Montmorin and Florida de Blanca at Madrid, by Gérard and Luzerne with the Congress at Philadelphia, by Rayneval, closely followed by Vaughan, with Shelburne and Grantham at London, by Jay at Paris with the Spanish ambassador D'Aranda, by Adams, Jay, and Franklin with Vergennes, and Rayneval, Oswald, Fitzherbert, and Strachey, down to the closing scene of the signing of the Preliminary Articles, which gave us the great territory at the west and north, with the Mississippi and the fisheries, of all which France and Spain had combined to deprive us.

The American writer who in our day treats of the triumph by the American Commissioners, which Vergennes had deemed impossible, and which the English historian pauses to apostrophize, may see that the results of the intelligence and sagacity which guided the American negotiation may now be seen not only in the boundaries then secured with 820,000 square miles, but in the consequent retire-

* The late Peter Augustus Jay, eldest son of John Jay, who was born January 24, 1776.

ment of France from the territory of Orleans in 1803, giving us a yet larger area of 899,000 square miles, and in the cession by Spain of Florida in 1819, leaving the Republic what Vergennes wished it might not become, the virtual "mistress of this immense continent."*

But the central fact of this great drama seems to have escaped Mr. Curtis, who refers to what he calls the "suspicions" of Jay and Adams, and says that "these suspicions were honestly entertained, and that at the same time they were entirely unfounded, seem to me propositions equally clear."

MR. GEORGE SUMNER ON SPAIN.

An effort quite as hopeless and almost as grotesque as that of Mr. Sparks to show that the Court of France favored our claims to the boundaries and the fisheries, was made some twenty-five years later by the late Mr. George Sumner, in an oration before the municipal authorities of Boston, on July 4, 1859, to awaken the sympathy and gratitude of the American people to Spain for her treatment of the United States during the war of the Revolution.

"When," said Mr. Sumner, "we are disposed to stretch the hand of covetousness toward any possession of now weakened Spain, let us remember the helping hand she gave to us in our hour of suffering and of peril."

In that effort to whiten the record of the Spanish Court during our Revolution, and to establish for it a claim to American gratitude, Mr. Sumner was not alone, and after referring to the dissent expressed by the press he wrote: "Let me say here that Mr. Sparks fully concurs in the view I have taken, and declares that it is the first time justice has been done by Spain."†

On September 16, 1781, Jay, in the draft of a note to the Spanish Minister, written to be submitted to the French Ambassador, the Count de Montmorin, said: "I will only add my most sincere wishes that the annals of America may inform succeeding generations that the wisdom, constancy, and generous protection of his Catholic Majesty Charles the Third, and of his minister the Count de Florida Blanca, are to be ranked among the causes that insured success to a

* Vergennes to Montmorin, October 30, 1778 (de Circourt, iii., 310).

† George Sumner to John Jay—MS. letter dated "St. Denis Hotel, New York, September 8, 1859."

revolution which patriots will consider as one of the most important and interesting events in modern history" (Dip. Cor., vii., 488).

Neither the King nor his minister availed themselves of that great opportunity of earning the eternal gratitude of the American people, and it was well understood before the close of our Revolution that Spain was the implacable enemy of our national independence and our national progress, and that her course was in great part the result of her American colonial policy, as shaped by her dislike and fear of our politics and religious freedom, and what she conceived to be our growing ambition. We knew that the paltry loans which, with reluctance and delay, she ungraciously made to enable Jay to meet the earlier drafts rashly drawn by Congress in reliance upon her readiness to assist us, demanded small gratitude on our part when, after encouraging a belief that she would make further advances to sustain the credit of the Republic, she allowed that credit to be openly protested, for the want of a paltry sum under circumstances which, as it now appears, aroused the indignation and contempt of the French Ambassador, Count de Montmorin, who wrote of the shabby transaction to Vergennes as exhibiting "the absolute indifference or even the repugnance of Spain to aid the establishment of the independence of America." *

We knew from the words and conduct of Rayneval and Vergennes at Paris that the Court of France was devoted to the support of the Spanish pretensions to the valley of the Mississippi, and Mr. C. F. Adams had remarked that "nothing is more remarkable throughout the struggle than the patient deference manifested by the Count to all the caprices, the narrow ideas, and the vacillations of the Spanish Court" (Adams' Works, i., 310).

But we did not know, as we now know, the reasons for that patient deference to the Court of Spain, and his persistent efforts to accomplish her policy of excluding us from the Mississippi and the lakes, until Mr. Bancroft's disclosure of the secret compact at Madrid by which, as the only means of securing Spanish support in the war, Vergennes—however he may have despised Spain and her selfish policy, and however kindly he may have felt toward the Republic which he assisted to establish—had agreed to betray and defeat the claims of the Americans to the great territories to the West and

* *Le Comte de Montmorin au Comte de Vergennes, Madrid, 30 Mars, 1782* (de Circourt, iii., p. 327).

North to which they regarded themselves as entitled as essential to their present safety and their future greatness.

MR. BANCROFT'S HISTORY.

Mr. Bancroft's account of the peace negotiation is contained in his "History of the United States" (vol. x., first edition. London and Boston, 1874).

The opportunity kindly given me by Mr. Bancroft to examine his most interesting MSS. bearing on the peace—volumes which, from the extent of the ground they cover and their high authority as selected by Mr. Bancroft, and copied under his supervision, should certainly be secured by the National Government—enabled me to quote in this address several important extracts from the secret correspondence from London and Paris confirmatory of those published by the Count de Circourt, developing in the clearest light the aims and intent of the hostile policy toward America of that astute diplomat the Count de Vergennes, which Jay and Adams so accurately divined, while Franklin, even so late as July 23, 1783, wrote to Livingston that he disclaimed the "opinion that the Court [of France] wished to restrain us in obtaining any degree of advantage we could prevail on our enemies to accord."

No previous writer has disclosed the secret documents which show not only the aims but the methods of the French Minister at Philadelphia, notable among which was that of "donatives," or bribes, the sort of treaty, and the limited boundaries, which would have resulted from an adherence to the instructions of Congress.

Mr. Bancroft, in his preface, justly remarks that it has been possible for him to place some questions of European as well as American history in a clearer light, and among these questions stands pre-eminent those connected with the treaty of Aranjuez, and bearing directly on the negotiations for peace. Mr. Bancroft remarks in the preface that "the requirement of the change in Oswald's commission, so grateful to the self-respect of America, is due exclusively to Jay," and he suggests that "the embarrassments of Vergennes"—the term "embarrassments" reminds us that Mr. Bancroft is at once historian and diplomat—explain and justify the proceedings of the American Commissioners in signing preliminaries of peace in advance.

These passages, written presumably after the volume had been completed, present a different idea of the responsibilities devolved upon the Commission by the duplicity of Vergennes, from that which seems to be implied by some paragraphs in the text, apparently of an earlier date, and which rather appear to proceed upon the old fiction which Mr. Bancroft's proofs have so thoroughly exposed, that Franklin was correct in supposing that France favored the American claims, and that the American Commissioners should have obeyed the instructions of Congress and been guided by the opinion of Vergennes.

Those proofs have so completely revolutionized the history of the negotiation, as erroneously imagined and sketched by Sparks, that some who have accepted his misstatement of the secret correspondence of Vergennes may find it difficult at once to appreciate the dangers threatened to America by the compact made by France and Spain in 1779, and which were not dispersed until the signing of the Provisional Articles in November, 1782.

But the student of history can now read intelligently in the correspondence of Vergennes with Montmorin, Gerard, Marbois, Luzerne, and Rayneval, the progress and meaning of the compact as described by Mr. Bancroft in his sixth and eighth chapters, subjecting the interests of America to that of Spain; and can appreciate the fact thus brought to light, that the scheme of the most accomplished diplomats of Europe, framed and directed at Paris and Madrid, and promoted at Philadelphia with a skill which deceived even Dr. Franklin in that day, and intelligent historians in our own, was detected and defeated by the vigilance and sagacity of Jay and Adams.

Mr. Bancroft's presentation of that scheme to forestall the future greatness of America, has given a new interest to the conduct of the American Commission by which it was overthrown. Little information perhaps can be expected on this branch of the subject, beyond that given by the dispatches of Jay, the briefer account by Franklin, the interesting diary of Adams, and the full and interesting letters of Oswald purchased by our government with the Franklin papers, and which should be promptly published. But possibly Mr. Bancroft, from his own rare collection, and especially from the Shelburne papers, of which he was generously allowed by Lord Edmond Fitzmaurice to make transcripts, can furnish some particulars in reference to the mission of Rayneval and the conclusion reached by Lord

Shelburne and the Council, after the arrival of Vaughan with Jay's memorandum,* in addition to the brief paragraphs given by Lord Edmond in the "Life" of his grandfather, to the arrivals of Rayneval and Vaughan, almost simultaneously, and producing suddenly on the part of the British Cabinet a complete change of policy in favor of America. Mr. Bancroft's exposure of the entanglements of Vergennes with Florida Blanca, and Lord Edmond's brief mention of the disclosure to England of their hostility to America, as expressed by Rayneval, have given an unusual interest to this part of the peace negotiations, and solved what has hitherto been an historic problem.

The biographers of Jay and Adams both held that what verbal overtures were made by Rayneval to the British Minister would probably never be known.

And now, after an hundred years, the secret is disclosed by the biographer of Shelburne in the remark that "Rayneval played into the hands of the English Ministers by expressing a strong opinion against the American claims to the Newfoundland fishery, and to the valley of the Mississippi and the Ohio," and that "these opinions were carefully noted by Shelburne and Grantham."

Then followed Vaughan with Jay's memorandum answering the points of Rayneval which had been so accurately anticipated, on the boundaries, the fisheries, and the Mississippi, and recommending the English Ministers to secure our confidence and our friendship. It reminded them that America would not treat except on an equal footing, and that it was the interest of England, by a recognition of our independence, to cut the cord which bound America to France, whose policy it was to oblige the Americans to continue in the war, whereas with independence acknowledged they would be ready to make peace the moment that Great Britain should be ready to accede to the terms of France and America, without being restrained by the demands of Spain, with whose views they had no concern.

Mr. Bancroft's suggestion may be here recalled (x., 19), that the United States "were not bound to continue the war till Gibraltar should be taken, still less till Spain should have carried out her views hostile to their interests."

It would be certainly interesting to have the entire correspondence and the minutes of this meeting of "the King's confidential servants," held on the 20th September, when "it was at once agreed to

* For the substance of this memorandum see *ante*, pages 36, 37, and 38.

make the alterations in the Commission proposed by Mr. Jay," and references to the matter in the private journals of the ministers would all be pertinent. But the result we know; an immediate order, after six weeks of delay, for the new Commission, which was intrusted to Vaughan, to whom it showed how things stood. On the 23d October, Shelburne wrote to Oswald: "We have put the greatest confidence, I believe, ever placed in man in the American Commissioners," and in that confidence he conceded to the United States all of which France and Spain had desired to deprive them, granting terms and boundaries so generous in their magnificence as to startle and displease the English Parliament, to bewilder the French Cabinet, and to surprise and delight the American people.

The world is indebted to Mr. Bancroft for having brought to light the magnitude of the task which was devolved upon the American Commission by the unfriendly policy of the Bourbon houses, hampered as it was by peremptory instructions; and it seems peculiarly fitting that his great history of the war should close with the most perfect presentation possible of the negotiations for peace.

No one could be better fitted, both as a skilled historian and experienced diplomat, to understand the difficulty in defending the Republic against the secret hostility of the Court which was still our great and generous ally in the war, or to appreciate the calmness and firmness, the delicacy and the skill, with which each step was taken, with a single regard to the national honor and national interest. Next to the completeness of the triumph secured by the American Commissioners is the incident, not to be forgotten, that this task was accomplished with such loyal faith to our treaty obligations with France that the international harmony continued unbroken; and with such respectful tact toward Doctor Franklin, that the venerable philosopher not only followed the lead of his younger associates, signing their official letters and preserving the unity of their action, but to the close of his life maintained with Jay an affectionate and trustful friendship.

LORD EDMOND FITZMAURICE'S LIFE OF SHELBURNE.

To the great value of the sketch given by Lord Edmond Fitzmaurice of the peace negotiations, from an English point of view, and as illustrated by the papers of Lord Shelburne, a just tribute has already been paid in the frequent use made of that sketch in the preparation of this address.

Lord Shelburne's biographer has not only supplemented from his papers the accounts given in the American despatches of all that occurred at Paris, but he has furnished the key to the most important part of the peace negotiations when he gives first the substance of Rayneval's communication to Shelburne and Grantham, and then the conclusion reached by the British Minister after the arrival of Vaughan with the views intrusted to him by Jay.

These London scenes constituted the closing act in the plot whose action commenced with the Treaty of Aranjuez. The mission of Rayneval developed the overtures to the British Ministry to assist the schemes of France and Spain for the partition of the western and northern territories claimed by the United States; that of Vaughan showed the calm resolve of America to resist the threatened wrong, and her reminder to England that her honor and her interest forbade her adoption of the French and Spanish policy.

These opposing missions, interesting as showing the aims and methods that marked that last great struggle for European supremacy in America, are yet more interesting from their results. They resulted in what Mr. Lecky calls "the curious spectacle of a kind of alliance between the English and American diplomatists in opposition to those of France and Spain."

It was this "kind of alliance" forced upon America by the plottings of her allies in the war to deprive her of its fairest fruits, that made the success of the Republic in her negotiations for peace even more remarkable than in the war. With France and Spain to assist her in winning her independence, she secured by the aid of England at its close, under the far-sighted guidance of Lord Shelburne, a territory as large again as that to which those allies wished to confine her; and a dignity, power, and prestige which shattered the hopes of Spanish dominion in America, and left the United States free to extend the beneficent influence of Anglo-American civilization first to the Mississippi, and later to the Pacific.

To Lord Edmond Fitzmaurice the students of modern history, and especially of modern diplomacy, are greatly indebted.

MR. LECKY'S HISTORY OF ENGLAND.

Mr. Lecky's fourth volume of the "History of England" has also been quoted with great advantage. Its breadth of view, discriminating judgment, and careful research, including on this subject

the latest publications of Bancroft, de Circourt, and Fitzmaurice, enable the author to relate with accuracy and to speak with authority, and entitle the work to the careful attention of American students, as exhibiting the candid views of one of the most eminent of English historians of "the skill, hardihood, and good fortune that marked the American negotiation" (*ante*, p. 108).

Should Mr. Lecky revise his "History of England," as Mr. Bancroft at an age full of years and honors is revising his "History of America," he may perhaps think proper to refer to the details, which will then probably be better known, of the *sécret* missions to England despatched by Vergennes and Jay, to which he simply alludes (vol. iv., 279) without giving either their action or their results as related by Lord Edmond.

Mr. Lecky may perhaps see fit also to correct in a future edition what seems an inconsistency of expression in speaking of the American negotiation, which might easily occur after reading what he calls "the valuable commentary of Mr. Sparks," if one should forget for a moment that Mr. Sparks' comments were based upon an assumed premise of fact which is now shown to be absolutely incorrect.

In his fourth volume, page 282, Mr. Lecky intimates that the distrust of France by Jay and Adams was entirely groundless, while on the opposite page—283—and also on the preceding pages—276, 277, and 278—Mr. Lecky has shown the jealousy entertained by the French Ministers of the expansion of the new State—their desire to subject America to the balance-of-power principle of Europe, and to deprive her of the Mississippi, the Canadian border, and the fisheries—measures at variance with the American claims and all calculated to keep the Republic "in a state of permanent and humiliating dependence."

There will probably be some difference of opinion as to the exactness of Mr. Lecky's remark on page 279, that by the signing of the Provisional Articles "the alliance between France and America was seriously impaired."

It is undoubtedly true that the unpleasant surprise to Vergennes and Rayneval of the sudden and utter overthrow of the schemes to which years had been devoted, a defeat accomplished without a contest and without a warning, created on their part, for the moment at least, the feeling of discontent of which something appeared in the complaining note of Vergennes to Franklin, to which Franklin returned so courtly and apologetic a reply.

But the confirmation by Vergennes of the new loan to America was significant of the consciousness of that cool-headed and astute statesman that the alliance with America, especially in view of her newly acquired dignity and power, was not to be rashly broken ; and there was no little significance in the remark of Vergennes to Lucerne, July 21, 1783 (Bancroft's "History of the Constitution," i., 325): "We are much occupied with everything relative to our commerce with America, and we feel more than ever the necessity of granting it encouragement and favors."

MR. CHARLES FRANCIS ADAMS ON THE NEGOTIATION.

This eminent diplomatist, in the life of his father, to which frequent reference has been made ("Works of John Adams," vol. i., Boston, 1856), discusses the phases of the peace negotiation, the policy of Vergennes, and the views and conduct of the American Commissioners, with the same ability and cool judgment which marked his own judicious powers while representing the Republic at the Court of St. James during a period of our history second only in critical importance to that of the Revolution. The appendix contains several papers on the subject of the peace communicated by John Adams to the *Boston Patriot* in 1811, and in a note to vol. viii. (p. 15) there is a reference to the confidential letters addressed to Lord Shelburne by Mr. Vaughan, a copy of which had been deposited by Mr. Vaughan with Hon. John Quincy Adams. These letters should be promptly secured by the Government at Washington as supplying an interesting link in the history of the negotiation.

Mr. Adams' diary and letters pending the negotiation are characterized by his robust sense and sturdy patriotism ; and their rebuke of the blind credulity on which Congress had based its instructions should not be forgotten in our own day.

"I have lived long enough," he wrote to Livingston, "and had experience enough of the conduct of governments and people, nations and courts, to be convinced that gratitude, friendship, unsuspecting confidence, and all the most amiable passions in human nature are the most dangerous guides in politics" (Adams, viii., 27). He scouted the idea that Jay and himself had been guided in their departure from the instructions of Congress by "suspicion." "We knew," he wrote to Livingston (July 9, 1783), "they [the French Court] were often insinuating to the British Minister things against

us respecting the fisheries lines, etc., during the negotiation, and Mr. Fitzherbert told me that the Count de Vergennes had fifty times reproached him for ceding the fisheries, and said it was ruining the English and French both. It was not suspicion, it was certain knowledge that they were against us on the points of the Tories—fisheries, Mississippi, and the western country—all this knowledge, however, did not influence us to conceal the treaty; we did not in fact conceal it."

Of Jay he wrote to Livingston (February 5, 1783):

"If I had the honor to give my vote in Congress for a minister at the Court of Great Britain, provided injustice must be finally done to him who was the first object of his country's choice, such have been the activity, intelligence, address, and fortitude of Mr. Jay, as well as his sufferings in his voyage, journeys, and hard services, that I should think of no other object of my choice than that gentleman" (Adams, viii., 40).

Touching the complaint of Livingston of their want of confidence in the French Court, Adams wrote (Paris, May 10, 1783):

"To talk in a general style of confidence in the French Court is to me a general language which may mean almost anything or almost nothing. To a certain degree, and as far as the treaties and engagements extend, I have as much confidence in the French Court as Congress has, or even as you, sir, appear to have. But if by confidence in the French Court is meant an opinion that the French Office of Foreign Affairs would be advocates with the English for our rights as to the fisheries, or to the Mississippi River, or our western territory, or advocates to persuade the British Minister to give up the cause of the refugees and to make parliamentary provision for them, I own I have no such confidence, and never had. Seeing and hearing what I have seen and heard, I must have been an idiot to have entertained such confidence. I should be more of a Machiavelian or a Jesuit than I ever was or will be to counterfeit it to you or to Congress" (Adams, viii., 89).

Of the dangers which they had escaped Adams wrote to Robert Morris (July 6, 1783):

"I thank you, sir, most affectionately for your kind congratulations on the peace. . . . When I consider the number of nations concerned, the complication of interests, extending all over the globe, the character of the actors, the difficulties which attended every step of the progress; how everything labored in England, France, Spain,

and Holland; that the armament at Cadiz was on the point of sailing, which would have rendered another campaign inevitable; that another campaign would probably have involved a continental war, as the Emperor would in that case have joined Russia against the Porte; that the British Ministry was then in so critical a situation that its duration for a week or a day depended on its making peace; that if that Ministry had been changed it could have been succeeded only either by North and company or by the coalition; that it is certain that neither North and company nor the coalition would have made peace on any terms that either we or the other powers would have agreed to; and that all these difficulties were dissipated by one decided step of the British and American Ministers, I feel too strongly a gratitude to heaven for having been conducted safely through the storm to be very solicitous whether we have the approbation of mortals or not" (Adams, viii., 82).

JOHN QUINCY ADAMS ON FRANKLIN AND HIS COLLEAGUES.

Two letters of the Honorable John Quincy Adams to Judge William Jay in 1832 (*Magazine of American History*, January, 1879), one of which has been partly quoted (*ante*, p. 209), may be named among the papers from eminent statesmen bearing upon the differences of view between Doctor Franklin and his colleague.

JUDGE WILLIAM JAY ON THE PEACE.

I cannot close this mention of authors who have treated of the peace—a mention which may possibly prove convenient to future students of that satisfactory and brilliant chapter of American diplomacy—without alluding to the sketch of the negotiation given by my father ("Life of John Jay," by his son, William Jay. J. & J. Harper, New York, 1833. Chapters V. and VI.), which was the fullest that had appeared until the recent appearance of the *Life of Lord Shelburne*, by his grandson, Lord Edmond Fitzmaurice.

The historic narrative of Judge Jay, its exposition of the policy of France and Spain, and the significant action of their chief diplomatists, was conscientious and exact: it was illustrated and enforced by the writer's researches, and by the views of Vergennes, Montmorin, Luzerne, Marbois, and Rayneval, so far as they were then known; and all the light thrown upon the subject during the last half century has, I believe, discovered no single error in his

statements. The disclosure of the confidential correspondence of France and Spain gathered by Mr. Bancroft, which has so completely overthrown the guesses and assumptions of visionary commentators who have attempted to shape history to their own wishes, and to establish fanciful theories by the bold assertion of imaginary facts, has as thoroughly confirmed the correctness of Judge Jay's portraiture of the negotiation, as it has proven the profound sagacity of Jay and Adams.

Mr. Sparks, when he supplemented his bold attempt to improve the style of Washington's letters, by an endeavor as editor of the "Diplomacy of the Revolution," to reform on the historic page the efforts of France and Spain, at the conclusion of the war, to restrain the future greatness of America : and to modify or reverse by sturdy denials the instructions given by Vergennes, seems to have regarded with equal dislike the clear-sighted diplomacy of Jay and the faithful record of it by his son.

Mr. Sparks condemned Jay's refusal to treat except on a footing of equal dignity. The change which Jay demanded and obtained in the British Commission from "Colonies or Plantations" to "the United States"—a change from subserviency and weakness to national dignity and strength—Mr. Sparks pronounced "a thing of form and not of substance" (Franklin, i., 484). He declared that what he called Jay's surmises and suspicions "had no just foundation in fact" (Franklin, i., 493), apparently unconscious that the secret correspondence to which he appealed as disproving them would more than confirm their truth ; and then turning from Jay to his life by his son, Mr. Sparks met its careful narrative and the logic of its facts with the complaint, that "the author adopts all Mr. Jay's suspicions of the French Court as historical facts [as they are now shown to be], and appears to have acquired but a limited knowledge of the actual history of the negotiation"—"actual history" here seeming to refer to the exploded fictions which by many were so long accepted with unquestioning credulity.

The direct tribute paid to the accuracy of my father's narrative by the late Lord St. Helens (*ante*, p. 208) was the tribute not simply of an actor in the Parisian scenes, but of an actor whose distinguished position, marked abilities, and acknowledged services in the American negotiation, give to his testimony the highest authority.

Important use has been made of Judge Jay's volumes by Lord Edmond Fitzmaurice in his Life of Shelburne, and by Mr. Lecky

in his "History of England," and the revelations of the French policy both as regards its aims and its methods made in the Life of Shelburne, the history of Bancroft, and the ipedited documents printed by de Circourt, combine to show the accuracy and truthfulness of my father's history of the negotiation.

As illustrating the far-sighted views of thoughtful European statesmen of the effects of the favorable terms obtained at the peace upon the future of the Republic, there may be properly added as the conclusion to this appendix an allusion to a still unpublished letter of Signor Dolfin, Ambassador to France from Venice, dated February 10, 1783. The letter occurs in the Venetian correspondence bearing upon the American negotiation, procured by his Excellency George P. Marsh, under the instruction of Mr. Evarts, and very courteously submitted to me (May 7, 1881) by Mr. Secretary Blaine, with other interesting correspondence on the subject. After describing at length the terms of the preliminary articles dated November 3, 1782, which Signor Dolfin thought would be forever a memorable epoch in the history of the nation, his Excellency remarks that "if the union of the American provinces shall continue, they would become by force of time and of the arts the most formidable power in the world."

A brief extract from an unpublished note of Lord Lansdowne to John Jay, dated Bowood Park, 4th of September, 1785, indicates his interest in our country and his particular regard for Jay; while Jay's reply contains an honorable tribute to Lord Lansdowne for far-sighted statesmanship in his plan of peace, looking to a permanent friendship with America. Lord Lansdowne wrote:

"I have great pleasure in telling you that the new principles regarding both trade and finance are making an evident progress among the public. It must be expected that they will meet with some interruption from the influence of old prejudice and the activity of parties. But I have no doubt of their overcoming both, if they are not precipitated or too rigorously pushed in every instance.

"I am anxious to hear that the Government of the United States has taken a solid countenance upon those wise and comprehensive foundations which you stated to me. I shall always look upon this country as deeply interested in whatever regards your prosperity and reputation, and, above all, your internal tranquillity.

"I am, with particular esteem and regard, sir,

"Your faithful and most obedient servant,

"LANSDOWNE."

Jay's answer to the letter dated New York, April 20, 1786, is given in full in the second volume of Jay's "Life," pages 183 and 185. It is marked by a hopeful view that things would gradually come right, and a very frank suggestion "that a little more good nature on the part of Britain would produce solid and mutual advantages to both countries," is followed by this frank tribute to the wise policy adopted by Lord Lansdowne in the peace after the visit of Rayneval and Vaughan had disclosed the plans of France and Spain on the one hand, and the firm resolution of the Republic on the other :

"My Lord, I write thus freely from a persuasion that your ideas of policy are drawn from those large and liberal views and principles which apply to the future as well as the present, and which embrace the interests of the nation and of mankind rather than the local and transitory advantages of partial systems and individual ambition ; for your lordship's plans on the peace were certainly calculated to make the revolution produce only an exchange of dependence for friendship, and of sound and feathers for substance and permanent benefits."

The century that has passed since those prominent actors in the negotiations for peace laid the foundation of a permanent friendship between the two countries, has confirmed their policy and verified their hopes ; and this brief review of that interesting business whose importance increases as time advances may fitly close with the order made by the President at Yorktown on October 19, 1881.

The salute to the British flag by the army and navy of the United States crowned the centennial festival in which our countrymen were joined by our European friends from across the sea, and especially by the representatives of Lafayette, Rochambeau, De Grasse, and their brave companions of the army and navy of France, to whom that decisive victory was so largely due.

The salute was more than a picturesque and sentimental feature of the occasion. It illustrated the peace of an hundred years ago, and emphasized the gravest lesson which history can present to the diplomatist and the statesman.

In recognition of the friendly relations so long and so happily subsisting between Great Britain and the United States, in the trust and confidence of peace and good-will between the two countries for all centuries to come, and especially as a mark of the profound

respect entertained by the American people for the illustrious sovereign and gracious lady who sits upon the British throne, it is hereby ordered : that at the close of these services commemorative of the valor and success of our forefathers in their patriotic struggle for independence, the British flag shall be saluted by the forces of the army and navy of the United States now at Yorktown. The Secretary of War and the Secretary of the Navy will give orders accordingly.

CHESTER A. ARTHUR.

By the President :

JAMES G. BLAINE,
Secretary of State.

ERRATA.

Page 47, fifth line, for *Granville* read *Grenville*.

Page 109, third line from foot, for *guest* read *quest*.

Page 112, note, for *Prescott* read *Trescott*.

